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International Court of Justice

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Official Transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdon of Great Britain and Northern Ireland, and the Union of Socict Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 31 July 1946, 1000-1700, Lord Justice Lawrence presiding.

WILLY MEYER-WENDEBORN resumed

DIRECT EXAMINATION - continued.

BY DR. SERVATIUS:

Q. Do you consider the Blockleiter and the Zellenleiter as "Hoheitstraeger", dignitaries?

A. No.

Q. Do you know if in the organization book of the Party, the Blockleiter and the Zellenleiter are designated as dignitaries?

A. I read that but I was never able to follow it because the organization book went on assumptions which were not given. It did not exist in fact.

Q. What do you understand under the term dignitary?

A. The dignitary is the first representative of the movement within his sphere. He is entitled to give orders to his subordinate political leaders and to party members. Furthermore, his official and private conduct is to be adjusted at alll times so that non-party members and State agencies will respect him and will listen to him without legal obligations to do so.

Q. You spoke of the rights which the political leaders have. Do these Blockleiters and Zellenleiters also have these rights?

A. They didn't have them and they didn't want them.

Q. Did the Blockleiters and Zellenleiters have the power to give orders to the SA and the SS?

A. No.

Q. Then the Blockleiters and the Zellenleiters were only assistants to the Ortsgruppenleiter and had no powers of their own?

A. The Blockleiters and the Zellenleiters were the non-commissioned

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corps of the Ortsgruppenleiter.

DR. SERVATIUS: I have no more questions to put to this witness.

LT. COL. GRIFFITH JONES: I have some certain new documents, two or three pages, in connection with other matters. If the Tribunal wishes it I could present these documents quickly in the way the Tribunal indicated to Sir David or I could put it in the form of cross-examination. Whatever the Tribunal thinks most convenient.

THE PRESIDENT: Colonel Jones, if it does not interfere with your case or cross-examination, perhaps it would be better to put the documents in, simply indicating the page or subject.

LT.COL. GRIFFITH JONES: That will be done.

THE PRESIDENT: If there is anything particular with this witness you may have.

LT. COL. GRIFFITH JONES: The first matter with which I was intending to deal is the action taken by the Leadership Corps in connection with elections, and I would refer the Tribunal to document D-43 which will become GB-540 document. I understand the Tribunal has copies of that document. That is a letter from the Kreis Organising Manager, dated 26 May 1936 and addressed to Kreisleiters and Organisationleiters. It is from the NSDAP Bremen District, and translated from the German. It refers to the Reichstag elections on 29 March 1936 and stated that in pursuance of an inquiry from the Reich Minister of the Interior, party member Dr. Frick, a report is to be made on any civil servants who did not record their votes on the 29th of March 1936. As far as such cases are know within your Ortsgruppe or your Stutzpunkt, you will report these names by the 3rd of June at the latest, of 1936. The expression, "Stutzpunkt section", this is a smaller organization than an Ortsgruppe and was eventually abolished but in 1936 still existed.

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"You will report them to me by name at the latest by the 3rd of June of this year. The information will have to be correct under all circumstances."

Then the last paragraph, my Lord.

"This circular has to be destroyed immediately after this matter is settled."

My Lord, the next document is document D-897, which becomes GB-541 and that is a document in connection with theplebiscite of 1938.

The first point I make on that is that it shows that the activity referre to in the letter I have just mentioned was not an isolated case.

My Lord, the second point upon this document is that it shows the close cooperation between the Security police and the political leaders.

On page one of that document appears a special order, dated 4 April, 1938 from the Security Service of the Reichsfuehrer SS at Erfurt, which is in Thuringia, the Gau of which Sauckel was Gauleiter. It is a "top secret", strictly confidential", addressed to all heads of sections and to Stuetzpunkleiters.

"Stuetzpunkleiters are to report not later than 1800 hours on the 7 April, 1938, all persons in their district about whom it is safe to assume (with 100% probability) that they will vote 'no' at the impending plebiscite. Do not forget the International Jehovah witnesses.

"Heads of Sections are to support the Stuetzpunkleiters locally as much as possible in this matter.

"This matter is also to be carried out in closest collaboration with the Ortsgruppenleiters of the Party. The Ortsgruppenleiters will be instructed by the Aussenstellenleiter (head of the branch office) personally after 1800 hours on the 5th of April, 1938."

I think I can omit the next paragraph and then I go on:

"The tremendous responsibility which the Stuetzpunkleiters have, in particular with regard to this report, is stressed once more. The Stuetz-punkleiters must clearly understand the potential consequences for the persons contained in their report. It must be particularly strongly considered

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whether the persons who impart such information to the Stuetzpunkleiters and from the Stuetzpunkleiters make their inquiries are not motivated by personal reasons; even political leaders are not excepted from this.

"The confidential nature of this order is again emphasized.

"The order is to be minutely memorized and thereafter destroyed immediately. Every Stuetzpunkleiter is personally responsible to me for the complete destruction of this order."

The reasons for the necessity for accuracy appear from the following documents. On page 2 there are set out certain sections of the population about whom inquiries have got to be made and who have to be particularly watched. It will be seen in the first paragraph:

"Increased attention is to be devoted to participation in and the results of the plebiscite on 10 April, 1938, particularly in small towns and villages. It must, above all, be ascertained whether the opponents are to be sought in Marxist idealogical or opposition circles."

Then under the heading "Catholicism", I draw the attention of the Tribunal to number 2.

"Was any attitude expressed during church services and similar meetings."

THE PRESIDENT: The Tribunal will adjourn.

(A recess was taken)

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THE PRESIDENT: The Tribunal will, if it is convenient to the officers of the court, not have any further recess before one o'clock.

LT. COL. GRIFFITH JONES: My Lord, I had reached paragraph number two under "Catholicism" on the second page of Document D-897. "Was any attitude expressed during church services and similar meetin s." Perhaps I might be allowed to ask one question of the witness upon that.

CROSS EXAMINATION

BY LT. COL. GRIFFITH JONES:

Q. Witness, when the Ortsgruppenleiter is charges with making the report on these matters, would it be the Block and Zellenleiters that he would ask for information as to what was expressed in the various church services throughout his Ortsgruppe?

A. No.

Q. Who would it be, if it would not be the Zellenleiters?

A. For confidential information, if it had been asked for, the Ortsgruppenleiter would have obtained for himself.

Q. The Ortsgruppenleiter would not be able to attend every church servic in his Ortsgruppe himself. Do you think that is physically possible for any Ortsgruppenleiter?

A. No, they would not have been able to do that, but for such information they would always have had special men from whom they would have obtained advice and information.

Q. Those special men who provided them with advice and information are the Zellen and Blockleiters, are they not?

A. No, they were not.

LT. COL. GRIFFITH JONES: Very well. Well, we will leave that. The next heading is "Protestantism". I again draw attention to Paragraph 2 under that heading, "Was any attitude expressed about the Ahschluss or the Plebiscite during services?" And the next paragraph, "What comment did the Church press make?" And again the next paragraph, "Were the bells of all religious communities rung on the evening of the 9th following the Fuehrer's speech in Vienna?"

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BY LT. COL. GRIFFITH JONES:

Q. Witness, would it be the Block and Zellenleiters who would report whether the church bells were rung on that evening in their districts?

A. They would have been able to say that, for it they would have been rung, the Block and Zellenleiters would have heard them.

LT. COL. GRIFFITH JONES: I turn to the next page of the document, the next to the ultimate paragraph: "It is suggested that the election officials are contacted in a suitable manner where necessary. The exertion of any kind of pressure must, however, be desisted from."

I turn to the next page, page 3 of the English translation, which is a report from the branch office of the Security Service of Weissensee dated the 25th of April, and we begin to see how the instructions regarding the election were carried out.

"Prior to the election, Party Member Paul Fritsche completed a register of all persons suspected of voting 'No'. On the election day every person included on this list received from a specially selected official a voting paper which was marked with a number imprinted by means of a colorless typewriter." Then it describes how the procedure worked.

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The next page, approached from the middle of the first paragraph:

"The election official ... did not throw the envelope into the voting box immediately, but tried to push it under the paper and which is situated on the voting box to cover the slit so as to be able to open the evelope later at an opportune moment."

The next document, the next page, another report from another branch of the Security Service:

"To all Orgsgruppenleiters of the N.S.D.A.P. of the Kreis of Erfurt - Waissensee:

"On their appearance in your Ortsgruppen area for the purpose of carrying out their voting duty, the under-mentioned persons are to be specially watched and the Kreisleitung of Erfurt (Election Office SD) is to be notified immediately."

There are many names; and lastly:

"By order of the Kreisleiter, this matter is to be strictly confidential.

On the next page there is another report about a Jehova's Witness, Robert Siering, and his wife, "who appeared in a voting center on Sunday morning and deposited their vote after both had been advised of their duty to vote by the police in Griefstedt and had been threatened with the removal of their child in case on non-participation.

My Lord, the next document, still on the same subject, is D-902, which will become GB 542. On the first page of that exhibit we have a report sent to the Erfurt Branch Office of the Security Service, marked confidential. It is not clear who it is signed by. It is dated the 7th of April 1938, and reads as follows:

"After thorough and most careful examination in the area of the Ortsgruppe of Melchendorf and in the closest cooperation with the Ortsgruppenleiter, we have come to the following conclusion:

"The following persons will with 100% probability vote "No"

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at the forthcoming plebiscite."

Then, after setting out the names, it gives what they call "explanations" in the case of each.

"Explanation: 1) Wilhelm Hessing (taken into protective custody in 1933 because of illegal activity for the Communist Party....", and so on.

"2) Walter Hessing (also taken into protective custody in 1933 for slandering the SA."

I do not think I need bother with anything further on that page.

I draw the attention of the Tribunal to the last three paragraphs on the next page:

"Guenther Hartung, 113 Johannesstrasse, Wallstrasse entrance, must be reported as being an enemy of the State and opposed to the plebiscite.

"Hartung must be described as a morally totally degenerate man and it is necessary to lock the same up in spite of his age (70 years).

"Amongst other things, he referred to the German troops on their entry into Austria as loafers. Sufficient witnesses as to Hartung are available."

My Lord, on the next page, another report in connection with the plebiscite, I draw the attention of the Tribunal to the penultimate paragraph:

"The wife of the 100% Jew Rielschowski, who was dragged along just before closing time of the plebiscite, voted "No", as can be proved."

Now, turn to some pages ahead, Page 7 of the English translation, which describes how the votes were screened in another area by a ribbonless typewriter; and then again on Page 9 of the translation, another report:

"The labourer Otto Wiegand... was requested four times to record his vote on the day of the election and finally voted under force."

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And the next report on the same page:

"The married woman Frieda Schreiner... did not vote in spite of repeatedly being invited to do so. The above is a fanatic member of the former international association of Jehova's witnesses.

"The husband, who has the same opinions and who was recently involved in criminal proceedings because of them, recorded his vote. To be sure, this was probably exclusively for fear of renewed arrest."

My Lord, the other portion of that document that I referred to is on Page 11, where there is shown an extract from the local newspaper recording the united German vote, which has been obtained by the Security Service with cooperation of the Leadership Corps in the way in which we have seen.

Again to emphasize that these were not isolated cases, I would refer the Tribunal to a document which has already been put in, and it will be found on Page 91 of the small document book that Sir David handed to the Tribunal yesterday, Page 91 of that book, Pages 118 and 119 of the German. It is Document R-142, US 481. That, it will be seen, is a report again from the Security Service, but this time in Coblenz. I read the second paragraph:

"The high percentage of "No" votes, as it reads in nearly all cases, in the religious attitude of the population, irrespective of whether they are Catholics or Protestants...." My Lord, that in the original is the " Kreisgeschaeftsfuehrer" , who is one of the staff officers of the Kreisleiter -- "the Kreisgeschaeftsfuehrer of the Kreis conclave gave assurance that it was mostly women who voted "No", or invalidly. As became known here, a supervisory control was ordered at several of the...."

THE PRESIDENT: Mr. Griffith Jones, this is already in evidence, is it not?

LIEUTENANT COLONEL GRIFFITH JONES: Yes, this is in evidence.

THE PRESIDENT: I do not think you need go into it.

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LIEUTENANT COLONEL GRIFFITH JONES: I am much obliged. I only wanted to draw the attention of the Tribunal to it.

One further document which is also in evidence will be found on Page 55 of that same document book, at pages 55 and then 54, the documents being PS 849, which is US 354, and 848, which is US 353. The two documents together describe how the party --

THE PRESIDENT: Mr. Griffith Jones, I do not think you ought to comment on documents which are already in evidence unless they are documents which the witness can throw light upon.

LIEUTENANT COLONEL GRIFFITH JONES: It is a little difficult to make the point which I would have made in cross-examining the witness on these documents if I only confine myself to the new ones without drawing the attention of the Tribunal to other documents which relate to the same matter.

THE PRESIDENT: If they are not new documents and you want to cross-examine the witness about them, you can put them to the witness.

LIEUTENANT COLONEL GRIFFITH JONES: Very well, sir. I will leave that subject now.

The other subject on which I had intended to cross-examine this witness is the use of euthanasia, or mercy killing, and the part the political leaders played in these matters. My Lord, this is a new document, D-906, which becomes GB 543.

I would refer first of all to the second of the documents which are printed on the first page, again, item No. 2, Martin Bormann, the 24th of September, 1940, a letter from the National Socialist German Workers' Party, the Fuehrer's deputy:

"To the Gauleitung Franconia, for the attention of Kreisleiter Zimmermann:

"Your letter of the 13/9/1940 was given to me by Party member Hoffmann. The Commission which was working at Neuendettelsaus, is under the control of Reichsleiter Bouhler, or is acting on his orders.

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"The text of the notifications of relatives is being variously worded, as I was once more assured yesterday; it can, however naturally happen some times that two families living close to each other receive similarly worded letters.

"It is natural that the representatives of Christian ideology speak against the Commission's measures; it must be equally natural that all Party Offices should, as far as necessary, support the work of the Commission."

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Then I go back to Number 1 on that page. "Gaustabsamtleiter (Francenia) Sellmer -- "that was another staff officer, "handwritten note 1/10/40.

"Justice. Visit from party member Blankenberg, Berlin. Action begins in the near future. So far hardly any mishaps have occurred. 30,000 dispatched. Further 100,000 to 120,000 are waiting. The circle of those who are initiated is to be kept very small. If necessary the Kreisleiter is to be notified in good time."

Then it goes on, "The Fuehrer gave the order that the decree is ready. At present only clear cases, that is 100 % ones, are being settled. Later an expansion will take place. From now on, notification will be given in a ..." it is not clear here in the print. Then at the end of the document, "Kreisleiter Sellmer must be informed."

I go to Number 3 which is a situation report by the Kreisleitung of Erlangen dated on November 26, 1940 dealing with the elimination of mental patients.

"On orders from the Ministry of the Interior, signed Schulz or Schultze, a commission consisting among other, of a North German doctor and a number of students, appeared some time ago at the local sanitorium and nursing home. It examined the documents of the patients lodged in the institution". And then it describes how he examined the patients which were to be transferred to another institution on orders from the Reich Defense Commissar and "that a Berlin Transport Company was to carry out the transfer and the head of the institution was to follow the directives of this company, which was/ in possession of the list of names. In this way 3 transports with a total number of 370 patients were in the meantime transferred to Sonnenstein near Pirna and to the Linz district. A further transport is to leave in January of next year. The head of the institution ... " And then it goes on for a few lines, and starts again, "Strangely enough various relatives received notification after the transportation that their patients had died. In some cases pneumonia and in others an infectious disease were given as the cause of death.

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At the same time the relatives were further informed that it had been necessary to cremate the body and that, if they were interested, they could have the clothing of the deceased sent to them. The registry office of Erlangen was also informed by the institution of the various cases of death, and again either pneumonia or an infectious disease were given as the cause of death -- ilnesses which had no connection with the previous medical history, so that it is to be assumed that it is here a case of false statements. The population is terribly disturbed about the transfert of patients, because they connect it with the cases of death which are becoming known in rapid succession. They are speaking partly openly, partly secretly, about an elimination of patients for which there is no legal foundation. In these war times such unrest among the population has a doubly unfavourable effect. Moreover, the events described above give the church and religious circles cause to revive their attitude against National Socialism."

THE PRESIDENT: Under which, of the Article 6 of the Charter, does this come ?

LT. COL. GRIFFITH JONES: It comes under "Crimes against Humanity" with respect to ...

THE PRESIDENT: Are they connected with war ?

LT COL. GRIFFITH JONES: In respect, yes, because the purpose of this extermination of old people was to rid the Reich of unproductive element I connot for the moment, give you the exact reference where that heppens. but it does appear among one of the documents. That is a hanwritten addition to the document in the hand writing of the ... I beg your pardon, it's an original extract of the situation abroad from the Kreisleitung of Erlangen.

The next document, My Lord, need not be dealt with at length. The point is that a Kreisleiter is involved and that it was general knowledge that there were mistakes in the notification of deaths, for instance, one family receiving two urns for one patient.

Number 5 on the next page is much the same. I draw the Tribunal's attention to the middle of the last paragraph, toward the end. "The doctor

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also informed me that it was well know that the Commission consisted of one SS Doctor and several subordinate doctors and that the 'ppatients' were not even examined and that they only pronounced their verdict in accordance with the medical history noted down."

My Lord, the next document is on page 10, number 12, where we have a protest, or rather, an inquiry about the death of a relative. It's from a Mrs. Marie Kehr and I mention that because it also refers to another document PS 1969. No, it's a new document. It will become GB-544, PS-1969. I shall ask you to look at the second page of that document where you have a letter from the Reich Minister of the Interior to the Gaustabsamtsleiter in Nurnberg. He forwards Mrs. Kehr's letter and the importance of that document is at the bottom.

"In Ink. Ortsgruppenleiter Party Member Popp is of the opinion that one can inform Mrs. Kehr she is calm and circumspect."

The document also bears the stamp of the Kreisleiter who has been informed.

My Lord, if I can deal quite briefly with the document which we were looking at, D-906, page 6 of that document. The Ortsgruppenleiter in Absberg is writing about incidents which occurred on the occasion of the latest removal of mentally defective persons from an institution in that town. He writes to the Kreisleitung and incorporates a report of an incident which took place and I can only emphasize that there was public knowledge of what was happening.

And then I go on to page 8 where another Kreisleiter, this time in Weissenburg, Bavaria, reports about the same distrubances and that goes to the Gau Staff Offcie in Nurnberg.

The next document, number 11, is from a Kreisleiter in Ansbach and he is writing about the removal of patients from yet another sanitorium in another town, and on the top of the following page the Ortsgruppenleiter is involved. "Ortsgruppenleiter Reuschel is further more of the opinion that he should speak about the removal of the inmates, if possible at the next meeting of members, in order to give the facts and above all to squash the rumors that have arisen that the inmates would very soon be put out of the way, done away with, or poisoned."

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Then at the bottom you see another handwritten note. "The organization leadership, that is, the political leaders on the staff of the Hoheitstraeger is to be informed."

My Lord that concludes the evidence that I was going to ask the witness about. There is one general matter which if the Tribunal will allow me, I wish to ask a few questions about.

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BY LT. COLONEL GRIFFITH-JONES:

Q Well, perhaps first of all I might ask you this on that evidence, witness. In view of the documents that you have seen, did you yourself ever have any knowledge of this so-called mercy killing that was going on?

A Once I heard a rumor that somewhere in Germany mental patients were being done away with. Thereupon, as was my duty, I immediately inquired of my Gauleiter and after a short time I received the information that this was not true and that in the future I was not to make such inquiries, which I had to see were senseless.

Q Why did you not have to make such inquiries?

A Because I had heard such rumors from the population.

Q Did you know that colleagues of yours in the Corps of Political Leaders were cooperating in that system of murder?

A No, I never knew that; I never suspected that.

Q Now let me ask you about one other matter. You told the Tribunal yesterday that there was no Corps of Political Leaders, is that right?

A Yes.

Q That is not correct, is it? They were recognized officially as the Corps of Political Leaders, were they not?

A The Corps of Political Leaders was spoken of with the intention of teaching one man or another better manners on his appearance in public, and for that reason a reference is made to a corps of officers and students. They were to be an example. There was no official Corps of Political Leaders and there could not be any such corps because the men changed constantly and had to come from all parts of the population.

Q They were called a corps of political leaders because on becoming a political leader you became a member of that Corps, isn't that the position?

A Since there was no real corps of political leaders, when one was appointed one could not become a member of it.

Q And the political leaders are referred to as a Corps of Political Leaders in the official organization book of the NSDAP, are they not?

A I am convinced that you can do that. You have the book. I refer again to my oath and say that I have not had time to read this book carefully

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because my actual tasks were more important than reading this wishful dream. I can not call it by any other name.

LT. COLONEL GRIFFITH-[illegible]: I have no further questions.

REDIRECT EXAMINATION

BY DR. SERVATIUS:

Q I have a question on Document D-897, the first one that was submitted; a letter from the Security Service, Branch Erfurt, signed by an officer of the Security Office. It is addressed to all consultants and Stuetzpunktleiter. The Prosecutor said that the Stuetzpunkt, which is here referred to, is a Party agency. Is this opinion correct if you read that the letter is addressed to all Referenten and Stuetzpunktleiter and is a letter of the SS?

A I notice that immediately, too, and I would have mentioned it myself. It can only be a Stuetzpunktleiter of the SD, for at that time within the political leadership there were no more Stuetzpunktleiter but only Ortsgruppen. Moreover, further on in this letter it expressly mentions the Ortsgruppenleiter.

Q Yes. It says there: "[illegible] matter is also to be carried out in close cooperation with the Ortsgruppenleiter of the Party." Is this letter addressed to a subordinate Party agency from a subordinate SS agency?

A At the moment I don't have the letter here, but I recall that it was addressed to the subordinate branch agency and saying that they should contact the Ortsgruppenleiter. I noticed that the Ortsgruppenleiter was to be informed only one day before, while the others are informed two days beforehand and given information.

Q Please speak more slowly.

A The confidence in the Party can not have been very great then.

Q Was the Ortsgruppenleiter here informed through the customary channels of the Party or were the higher Party agencies skipped?

A In this case the informing was not according to prescription and should have been done by the higher Party agency.

Q Can I draw the conclusion [illegible] that it is possible that the higher Party agencies knew nothing of this action of the lower SS agency?

A Absolutely.

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DR. SERVATIUS: I have no more questions to put to the witness.

THE PRESIDENT: The witness may retire.

Will you call your next witness, Dr. Servatius?

DR. SERVATIUS: With the permission of the Court, I call the next witness, Wegscheider, an Ortsgruppenleiter.

HANS WEGSCHEIDER, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q Will you state your full name, please?

A Hans Wegscheider.

Q Will you repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may sit down.

DIRECT EXAMINATION

BY DR. SERVATIUS:

Q Witness, when were you born?

A On the 30th of October, 1885.

Q You were Ortsgruppenleiter in the country for twelve years, from 1933 to 1945, in Hirschdorf, near St. Lorenz?

A Yes.

Q That is in the Kreis Kemten, Allgrev?

A No, that is in the Kreis Kemtenland.

Q And you were mayor from 1933 on?

A Yes.

Q You were a blacksmith and veterinary?

A Yes.

Q And, as such, you traveled a great deal in Allgrev?

A Yes.

Q Did you then have insight into conditions in the other Ortsgruppen in Allgrev? Please make a pause so that a translation can be made.

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A I know the 369 Ortsgruppen in the Kreis Komtenland fairly well.

Q How many people were . . . .

A There were about 40,000 inhabitants.

Q When did you enter the Party?

A On the 28th of March, 1933.

Q How did you become an Ortsgruppenleiter?

A On the occasion of the founding assembly of the Ortsgruppen on the 28th of March, '33, I was appointed Ortsgruppenleiter.

Q Did you take an oath?

A Yes. As Ortsgruppenleiter I took an oath once.

Q You said before the Commission that in the twelve years you took the oath twelve times. Is that a mistake?

A That is a mistake.

Q How did you become the local mayor?

A In the month of April, 1933, the new community council was set up. At about the end of this month the community council elected a mayor, and I had not only the votes of the NSDAP, but also four votes of the Social Democratic workers' party and one vote of the Bavarian Peoples' Party, and thus I was elected Mayor.

Q As Ortsgruppenleiter, did you receive a salary?

A No.

Q What was the case of the Ortsgruppenleiter who were not mayors?

A They did not receive any salary either.

Q For what reason was the office of Ortsgruppenleiter and mayor united in the hands of one man?

A In the Kreis Komtenland there were only country communities and probably there was no suitable personality. In ten communities of our Kreis the mayor and Ortsgruppenleiter were the same person, and in the last analysis it was more expedient.

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Q. How was your Ortsgruppenleitung made up?

A. First the Ortsgruppenleiter, then the propaganda organization, then the treasurer, a press office leader, then two Zellenleiter and about eight Blockleiter.

Q. What was the activity of the Block and Zellebleiter?

A. The activity of our Zellenleiter in the small country community developed into something superfluous so that in most of the Ortsgruppen they were abolished. The activity of the Blockleiter can be considered purely technical in that they did only auxiliary work.

Q. Did you consider the Block and Zellenleiter as political leaders and Hoheitstraeger (dignitaries)?

A. No, since the work of the [illegible]leiter in the small country communities was insignificant politically, they could not be called Hoheitstraeger.

Q. Why did you enter the party and why did you take over your office as Ortsgruppenleiter?

A. From theyear 1929 and the years following, in the years 1931, '31, '32, and '33 and as I was a blacksmith by profession and had been closely connected with the peasants, I saw with my own eyes how German agriculture declined and I saw this decline year by year. In our district to a large extent we had joined the Bavarian Peasant Group and a few had gone with the German People's Party and a few workers who were in the community joined the Socialist Party and a few belonged to the Communists.

Q. Please give me your personal reasons, your very own reasons for entering.

A. I have already emphasized in my own district I saw this decline personally.

Q. They were social reasons?

A. Purely social reasons.

Q. And what was the attitude of the others?

Will you please slow down a little bit.

What was the attitude of the otherpolitical leaders? Did they have other

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reasons for joining, perhaps the fight against the Jews or the acquisition of Lebensraum?

A. The need was equally intensive in all agricultural regions and I believe the attitude might well have been the same.

Q. What was the attitude of the Kreisleiter and teh Gauleiter?

A. The Gauleiters and Kreisleiters with patriots and I believe they saw their activity and their calling in the party as a means of doing good for the people and for the country.

Q. Mr. Witness, in the party program other aims are set forth as well, that is purely social ones, such as for instance the solution of the Jewish problem.

What was the attitude of the political leaders to that question?

A. In our district there were no Jewish nusinesses and there were no Jewish people there. Therefore, this question was not aburning one in our district. We hardly ever mentioned it or discussed it.

Q. Weren't there any Jewish people who dealt in cattle?

A. No, not in the country. In the city yes, there was an establishmend. Our peasants were active there; they sold there; they bought cattle there; they exchanged cattle there.

Q. Weren't there steps taken or what was the attitude in that regard?

A. No, for a long time after the assumtion of power our farmers traded there and they made their purchases of cattle there.

Q. The party program also contained a demand for settlement space. Was this to be carried out through conquest and did you receive directives which might be interpreted as leading to a preparation for war?

A. I did not receive any directives such as that and we, in the country, saw in this settlement problem the regaining or the returning of our colonies and we were of the firm conviction that this policy could be carried out in a peaceful manner.

Q. Did not the political leaders soon see that a large rearmament program was going on?

A. The rearmament, as such, we saw but little of that because we lived

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in the country. At the Reichsparteitag, although I do not recall the exact year, we had seen that more airplanes and more tanks were present and were being shown and on the basis of that we gained the conviction that a country and a people like Germany would have to protect her borders for her own internal structure and we considered this rearmament a necessary evil.

Q. Were there not aims which could be realized only through wars of aggression, such as the slogan, "Away from Versailles" and "Germans unite"?

A. This point of the program, as well, was discussed with us and we saw the union of all German speaking peoples in line with a plebiscite and in lin with the self-determination rights of the German speaking people.

Q. Were thereanot soon differences with the church because of the attitude of the party as to church matters? There were attacks on the church you know.

A. No, not in the country. Especially as to us in the country, we made no differences. Blockleiter and Zellenleiter were Catholics and in my particular district, together with my eight political leaders, I was active in church matters. The people who sang, the church musicians, perhaps there were thirty of them, were party members, male and female or they belonged to some organization, the youth group or whatever the case may be as it applied to them. That applied in my district and I believe the same conditions applied in other districts and communities as well.

Q. Did not the clergymen protest against the steps being taken by the party on the Jewish question and did not this lead to arguments and similar questions?

A. As I have already mentioned, there were no Jews in our locality. Therefore, this problem was hardly dealt with at all.

Q. Was there not unrest because of the seizing of political opponents and their being taken to concentration camps?

A. In our whole area I never had any knowledge of the fact that anyone was taken to a concentration camp. In my community, and I assume this happened right after the assumption to power, two individuals were sent to Dachau but what the reason for this was I do not know for at that time I was

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not mayor and I was not Ortsgruppenleiter. My attention was called to this matter when in the year 1933 a woman, Mrs. Behr from Rottach near Kemten, came to me and asked me to do something for her husband, who had been interned at Dachau for some months and that I should make application for his release as it was not possible for her to cultivate her large vegetable garden alone.

Q. You need not give us the details. Just tell us what steps you took and what inquiries you made.

A. I made inquiry and for several months did not hear anything at all.

Q. Was he released?

A. Yes, he was released.

Q. Did you speak with him?

A. Yes.

Q. What did he tell you?

A. He told me: "I was treated farily well, the food and living conditions were quite good and the treatment as well."

Q. The Kreisleiter and Gauleiter, did both of these gentlemen agree wit this more or less negative attitude or did they demand more severe measures against all who were not party members or people who had interests other than those of the party?

A. Gauleiter and Kreisleiter, both represented the view and had the attitude that severe measures should be rejected. Both of them at meetings always repeatedly made clear to us that we should set a good example and through our good example we should thus gain the confidence and the good will of the people.

Q. Were SA and SS units formed in your group or your community so that political opponents could be terrorized?

A. No. There were very few members of the SA and SS who were in the country. They were actually active in thecities. In the nearby and remote communities, such as Oberguensburg, for instance, the members of these two organizations were united into small units. Their activity was purely propagandistic.

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Q. Was there a unit of the SS there too?

A. In Kemten there was a small SS cavalry unit but you can hardly call it a unit for this group had only eight or ten members and was active purely along propaganda lines.

Q. Did not the party press make known to you the party demands, such as, for instance, as to the Jewish question through "Der Stuermer" or through "Das Schwarze Korps"? Do you know both of these newspapers, "Das Schwarze Korps" and "Der Stuermer"?

A. Both ofthese newspapers exceeded the aims of the party program by far on these two points. The party program on these two points wanted to merely take the Jews out of influential positions. Apart from that these papers were hardly read in the country

H0193 - 0026

Q Didn't you have to tell yourself that activity of that sort, naturally or by force, would lead to an aggressive war and to crimes against war, such as are the basis of the indictment today?

A No; this activity of Ortsgruppenleiter or of Blockleiter, the activities carried on by these people were of such a nature that they would hardly lead to a supposition of that kind. Our work was purely socialistic; during the war, regarding the lynching of aviators who had made emergency landings, there was a letter of Bormann and Goebbels and there were directives given out over the radio and through the press. Did you receive directives from the Kreisleiter in this regard?

A Directives of that sort never reached my hands.

Q Did aviators make emergency landings and were they lynched in your territory?

A No.

Q What happened to them?

A I, myself, had the opportunity to see an American flyer who had landed about a hundred yards behind my home. I took him in my home and took care of him and after--perhaps a quarter of an hour--he was taken by the police. In the month of March in the year 1945, although I can't tell you exactly the day, four American prisoners of war had escaped from a camp at Eidrunk and the guard who had been stationed at a bridge at Hirschdorf, this guard had captured them after twelve o'clock and brought these four prisoners to me.

Q Was that the general attitude and the general measures taken in your region Allgaue?

A Yes, that was the general way we handled this. The population of Allgaue is--they are very good Catholics and we all are of the opinion that such prisoners of war should actually be treated as prisoners of war.

Q In your Ortsgruppen and in the Kreis, foreign workers were employed. Did you have directives about the treatment of

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of such workers, treatment which you might consider contrary to human dignity?

A Such directives I did not receive, for as to the entire matter of foreign workers, there were about sixty of them, Polish and Ukrainian civilian workers, and this was an activity that was handled by the Ortsbauernfuehrer and in our area it was such that on matters of this kind, the Bauernfuehrer discussed these matters with me.

Q Didn't you hear about the fact that these workers were to sleep in a barn and were to receive their food there as well?

A About the directive of that kind, that these workers were to sleep in a barn and were to receive their food there, that I never heard of; only the labor office gave each Polish worker a slip which was to be turned over to our farmers, a slip on which it said that the Polish workers should not eat at the same table with the farmers and they should be at home at a certain hour. In discussing this matter with the Bauernfuehrer at that time, I told him this matter is not to be carried through within our Gau. If the foreign worker involved behaved himself decently and did his work as well as a German worker, then he should have the same rights, the same rights as the German worker would have.

Q Mr. Witness, on other things which you heard about the Party in the Reich, wasn't it that one would have liked to deviate from certain points and especially during the war?

A No, I never noticed anything of that sort, for we in the country believed, we all believed in the Fuehrer's love of peace, for we all ourselves know that Hitler had lived through the horrors of the first world war and we were convinced of the will of peace, the will of peace had been emphasized to us again and again.

Q Therefore, you dispute the fact that the political leaders deliberately partook in terrorization in line with an aggressive war and the commission of crimes?

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A That is right; that was not the case.

Q If, today, an accusation is raised that these political leaders in your area were criminals, would you admit that?

A No, that was not the case.

DR. SERVATIUS: Mr. President, I have no further questions to this witness.

CROSS EXAMINATION

LT. COLONEL GRIFFITH JONES: I have two things about which perhaps the Tribunal will permit me to ask a few very short questions on. The first is EC 68, which is document US 205 and the Tribunal will find it on page 21 of their document book.

BY LT. COLONEL GRIFFITH JONES:

Q Witness, I want to ask you about the Bauernfuehrer on your staff. The Bauernfuehrer was one of the so-called "non-political leaders, was he not? Can you hear me?

A I can hardly hear you. I can't hear you at all.

Q Can you hear me now?

A But very inaudibly. It is a little better now, though.

Q I will ask you the question again. Was the Bauernfuehrer on the staff of the Gauleiter, Kreisleiter, and Ortsgruppenleiter, one of the "non political" political leaders who were said to be merely expert advisers?

A Yes, the Ortsbauernfuehrer was only directly active in the Ortsgruppen staff.

Q Now, look at that document and explain to me the part that the so-called expert was playing in connection with slave labor. Do you see that document? It is a document addressed to all Kreisbauernschaften. Do you see that?

A Yes.

Q And it would be the duty of the Kreisbauernfuehrer to bring any regulations he received in connection with foreign workers, to the notice of the Kreisleiter, would he not? Witness please be kind enough to answer my question. Would it be the duty of the Kreisbauernfuehrer to bring to the notice of his

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Kreisleiter, regulations and the instructions which he received in connection with foreign labor?

A I don't believe so. I believe that would be at the discretion of the Kreisbauernfuehrer -- on things which could not be carried through very well, I do not believe that he would mention these things.

Q Are you really saying to this Tribunal that that expert whose duty it was to advise his Kreisleiter and keep his Kreisleiter informed and who was continually conferring with his Kreisleiter, would never have drawn his Kreisleiter's attention to the instructions he had received about foreign labor?

A I must mention at this point that I can hear but very poorly.

Q But I am sure you can hear well enough to answer me.

A Yes, now I can hear much better.

Q We won't pursue that matter. We will just see the part that this so-called non-political expert was expected to play himself. Do you see first of all the "agencies of the Reich Food Administration, the Reichsnaehrstand, State Peasant Association, have received the result of the negotiations with a Higher SS and Police officer in Stuttgart with great satisfaction." Do you see that?

A This point?

Q Do you see that "the State Peasant Association and the Reich Food Administration have received the result of the negotiations with the Higher SS and Police officer in Stuttgart with great satisfaction."

A Yes.

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Q. Let us see what these results are that they were receiving with such satisfaction. You see on that document that Poles are not allowed to complain, they have no right to complain - number 2 - 3 and 4 are not very important - 5, no form of entertainment - 6, no restaurants - no sexual intercourse - no use of public transport - is not allowed to change employment. In no case may he be granted leave to leave his village - and in no case may permission be granted to visit a public agency, whether it is a labor office or the district peasant association. Why shouldn't he be allowed to visit the district peasant association?

A. I see here that this letter comes from Karlsruhe. That is a different gau. These measures were not decreed in our region, or at any rate, not to such a large extent. As a matter of fact, the foreign workers during the summer had to be home at 9 o'clock in the evening, and during the winter they had to be home at 8 o'clock in the evening.

Q. We're not really interested in that. Are you telling us that the gau of foreign workers in your gau, and the gau at Barden or Karlsruhe were different, and that the Baurenfuhrers had to carry out different decrees in two different gaus?

A. Yes.

Q. Very well. Let us see exactly what they were carrying out in Karlsruhe.

THE PRESIDENT: Colonel Jones, is that already in evidence?

LT. COLONEL GRIFFITH-JONES: Yes.

Q. I want to put one new document to you. Will you look at document D-894? That is a report from the Kreis leadership in Kali dated the 23rd September 1944, subject: Foreigners. It states that Polish youth in the Kali mining area, which has always shown an endeavour to stick particularly closely together, is being watched with especial care. The Ortsgruppenleiter Wittelsheim reports that he noticed 13 young Poles who had left Buggingen without permission and who were in possession of medical certificates. He had eleven of these Poles arrested and taken to the Gestapo at Mulhausen for re-examination. I want to ask you one question on that. Was it a recog-

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nized duty at Karlsruhe to hadn over Pole workers to the Gestapo when they saw fit?

A. In the Kries Kemtenland, I know nothing whatever like that ever happened.

Q. Nothing like that happened at all?

THE PRESIDENT: Is that a new document?

LT. COLONEL GRIFFITH JONES: It is a new document and will be 505. I have no further questionsto ask this witness. Perhaps I might have more on euthanasia. If I might refer the Tribunal to page 31 of the document book, which is a protest from Bishop Wurm to Frick, and which is submitted to the Tribunal. If the Tribunal will look at the first paragraph of that letter it will be seen that the

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Bishop states that this action is taking place on orders of the Reich Defense Council. And again, if the Tribunal would turn to page 36 of their document book, which is another letter which has already been put in, it is the second letter that the Bishop wrote to Frick, this time in September, the first in July of 1940, and now in September he writes again. In the middle of the paragraph it will be seen it states, "If the leadership of the State is convinced that it is a question of inevitable war measure, why does it not issue a decree with legal force?" I have no further questions.

BY THE TRIBUNAL (GENERAL NIKITCHENKO):

Q You are a member of the Nazi Party from 1933, is that correct?

A Yes, beginning with 1933, only then.

Q Did you join the Party voluntarily or under duress?

A I joined the party voluntarily.

Q Do you know sufficiently well the program of the Party, the tasks, the goal of the Party?

A Yes, in the course of the years I familiarized myself with the various points of the Party Program.

Q And did you share and follow in the Program, the discussions and aims of the Party?

A Yes, perhaps not 100% with all points, but in general with Herr Hitle

Q What was the percentage of your agreement with the aims of the party and discussions?

A Especially in this matter when the Jewish question took the point it did, I would have left, but other things happened, and as I already mentioned, there were things and policy we didn't agree as fully as before.

Q On the question of the extermination and persecution of the Jews, you didn't agree with the Party, is that correct?

A Yes.

Q And with all the rest you agreed?

A Yes.

Q And now do you still have the same convictions that you had before? Do you share in the goal and program of the Party?

A Yes, of course. If the proper action had been kept in accordance

H0193-0033

with the program, then surely we would not have had the war.

Q I didn't ask you that. You don't understand my question. I ask if you now have the same Nazi opinion that you had before?

A No.

Q I ask you if you continue now to share the Nazi opinions?

A No. No, I can't be a Nazi any longer.

Q Why.

A Because the confidence of the people was abused in many respects.

Q And now do you consider the program and the text of the Nazi Party as correct or incorrect from your point of view? Did you hear the question?

A No, I am sorry, I did not hear it.

Q I am asking whether now you consider the program and views of the Nazi Party correct or incorrect?

A No, not any longer.

THE PRESIDENT: Witness, you had a document from Karlsruhe, stating the effect on certain decrees with relation to Polish farm workers. You said that decree had not been in force in your gau. But you said that certain decrees had been in force. To what degree were restrictions placed on foreign workers in your district?

A Solely as I have already mentioned in this respect in the summer they had to be home at 9 o'clock in the evening, and in the winter at 8 o'clock in the evening. Any other restrictions were not imposed on them. As Mayor I received directives and was to see that in the community an inn would be designated where the Poles and Ukraine farm workers could gather in the evening.

H0193-0034

BY THE PRESIDENT:

Q. Could they have bicycles ?

A. Yes in our district or Gau it was a necessity to have a bicycle. A large part of the fields were very distant from the farmhouse and under the conditions it was not possible that the farmer would take a bicycle for himslef and the Polish worker would have to walk for perhaps an hours. A lsrge number of the Polish workers ..

Q. That is quite enough. Now you say that the only restrictions upon them were that they had to be in at certain time at night ?

A. Yes. Other matters and other directives were not carried through. Polish workers slept in the same room where German workers slept, they ate at the same family table and they received much in the line of clothing from the farmers themselves; after all, they arrived in rags.

Q. Who was it who decided where they were to be employed ?

A. The decision was with the Labor Office.

Q. And who did the Labor Office communicate with ?

A. The Labor Office communicated with the Kreisbauernschaft and with the Bauernfuehrer.

Q. So that the Labor Office communicated to you and to the Bauernfuehrer

A. In this matter chiefly with the Bauernfuehrer.

Q. Then the Bauernfuehrer told the Labor Office how many laborers they wanted, was that the way it was done ?

A. Yes, that is the was it was.

Q. How did he allot them ?

A. This allotment was left to the Bauernfuehrer. The farmers in the district said how many workers they needed and depending on the allotments, measures were taken and the farmers were allotted the workers according to needs.

Q. Was the Bauernfuehrer subject ot the orders of the Kreisleiter ? or Ortsgruppneleiter ?

A. The Bauernfuehrer was subordinate to the Reichs Food Administrator. That was his only immediate superior.

Q. You mean that he was not at all under the guidance of the Ortsgruppen-leiter ?

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A. No.

Q. But directly under the Foods Office, was he ?

A. Yes, he was under the Foods Administration, the Reichsnaehrstand.

THE PRESIDENT: The witness may retire.

DR. SERVATTUS: As my next witness, with the permission of the High Tribunal I should like to call Dr. Hirt, a Blockleiter.

ERNST HIRT, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q. Will you state your full name, please ?

A. Dr. Ernst Hirt.

Q. Will you repeat this oath after me :

I swear by God, the Lamighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath).

THE PRESIDENT: Mou may sit down.

DIRECT EXAMINATION

BY DR. SERVATIUS:

Q. Witness, when were you born ?

A. On the 25 th of June 1896.

Q. You are at liberty ?

A. Yes.

Q. You are a Landgerichtsrat and during the war, from 1942 to 1945 you were Kriegsblockleiter here at Nurnberg ?

A. Yes.

Q. Over and beyond your block did you know about the political activitty and attitude of the political Block and Zell leiters ?

A. Yes, I had contact with other Block and Zell Leaders and as a judge I had enough opportunity to gather insight into the activity of Block and Zell leaders.

Q. Mr. Witness please pause a little bit between questions and answers so that the interpreters can keep up with us.

In taking over of office as a Block Leader during the war did you become a political leader through that step ?

A. I was never that.

Q. Please wait while the red light is on.

A. No, I never became that. We were entrusted with the laborers connected with this office.

Q. Were there many of such Block and Zell leaders during the war, men who were not political leaders as well ?

A. The majority of the Block and Zell leaders who were appointed during the war were not political leaders, that is, they were not nominated or confirmed by the Kreisleiter they received no certificate had no right to wear a uniform.

Q. Did the Block and Zell Leaders take their position voluntarily ?

A. The majority of the Block and Zell Leaders during the war did not take over their office voluntarily.

Q. And how was it in peace time ?

A. In peace time I rather assume that the larger part of Block and Zell leaders took over this activity voluntarily.

Q. Was each Party Member obligated to take such an office and by that do you mean that they did not come in voluntarily ?

A. Per se, each Party Member was obligated to work in the Party on for the Party but in peace time it could very well be done so that you could stay away from the taking over of office but during the war in the majority of the cases this was quite impossible. When Block and Zell leaders had to go into the service, the Ortsgruppenleiter told the individual party member who was still left to take over this or the other office. Under conditions like that, without drawing the consequences, one could not refuse.

Q. Why did party members frequently refuse to take over the appointment of such offices ?

A. Well an activity like that brought with it in many cases additional work and during the war each man who was fit for work was working very hard.

Q. Wasn't it also for political reasons that might lead one to refuse ?

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A. Yes, of course, to a large part. A large part of the people who were supposed to take over an office like that were less and less in agreement with measures taken by the Party and especially meausres taken during the war.

Q. What was the task of the political leaders ?

A. The tasks of the war Block and Zell Leaders first of all and above all were duties of a social nature. They had to collect money and run errands, the Block Leaders especially had to take care of the population and, in the increasing intense measures of the war, to take over-raid duties, to take up collections for the needs of the Wehrmacht, and other services which were for the common good.

Q. The office which you took over, did that correspond with your position as judge ?

A. In no way. This work I considered to be something quite undignified and in keeping with my position for the services that I had to render, the collection of funds, etc., were in no way commensurate with my training and with my profession.

Q. If you had been used as a political leader then you would probably have been accorded a higher position ?

A. Yes, I must assume that, but as Block Leader I was not concerned with political activity in any way.

H0193-0038

Q Then it was just a matter of carrying out practical work?

A Yes, we did purely practical work as helpers in the Ortsgruppe.

Q From what stratum of the population did the block and cell leaders come?

A The block and cell leaders, for a large part, came from the simple people, from the working classes. They were taken from among manual laborers and people who had rather insignificant positions.

Q And what was the point of view or the attitude, the background, according to which these people were chosen?

A It was important to find people of good character who were reliable, for money matters were involved. These people had to collect dues, and the honesty of the person had to be beyond doubt.

Q Did the block and cell leaders have a staff at their disposal, who would designate the importance of their work as Hoheitstraeger?

The yellow light means that you should go slower.

A I never knew about a staff of that kind, but I do know from various conversations that I had with other block and cell leaders, people who were active in former years, that there were block helpers where there were large blocks involved. I myself did not have a helper of that kind in my block.

On the other hand, there was a so-called Hauswart.

Q And how about the title "Hoheitstraeger"? What did it mean?

A The block or zellenleiter, in any event, could not consider himself aHoheitstraeger, for he had no authority to lead politically or to give directions. In our opinion, a Hoheitstraeger started with the Ortsgruppenleiter.

Q There were conversations among the Ortsgruppenleiters. Did the block leaders receive directives dealing with political opponents?

A We had these conversational evenings. Never at any time was a task like that -- the combatting of political opponents -- in any way ever given.

Q Now, as judge and because of your dislike for taking over this office, you probably looked at these things very critically.

A Yes, that is something I can say about myself.

Q How about this informing that went on so that people could be taken

H0193-0039

into concentration camps? Did you receive directions in that line?

A At no time did a directive like that ever go out. In my opinion, a block or zellenleiter could not in seriousness --

Q Witness, please pause longer; otherwise the interpreters will not be able to keep up with you very well.

A I shall repeat. A directive of that sort never went out to us. In my opinion, a block or zellenleiter, on his own iniative, could not conceive of spying on the population or on individuals for purposes of denunciation. With that his entire position in the block or in the cell, the position which presupposed and necessitated a relationship of confidence, his position from that point on would have been completely impossible.

Q In the organization book of the Party it is said that the spreading of detrimental rumors was to be reported to the Ortsgruppe so that the competent authorities could be advised and informed. Did you not act according to this book?

A The organization book of the NSDAP was unknown to me in times gone by, and it was unknown to the other block and cell leaders as well.

THE PRESIDENT: Dr. Servatius, you realize that the Tribunal has got a very full summary of the evidence which this witness gave to the Commission. In addition to the actual evidence, we have got a summary, which consists of six pages of folio, and therefore I think it would be convenient to the Tribunal if you could summarize the evidence as much as possible and take it as shortly as you can, as we have the opportunity of seeing the witness and forming our opinion on the credence to be attached to him.

DR. SERVATIUS: Mr. President, my examination will not take very long.

BY DR. SERVATIUS:

Q Did not the block leaders keep a card system in which they recorded the names of those who were politically suspicious?

A Only a general card registration file was kept of the people who lived there, with a column for people who might be politically suspicious, but that is a matter about which I know absolutely nothing.

Q Did the block leaders have police functions and authority?

A In no way at all.

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Q For what reasons did the political leaders in general join the Party?

A Well, at the assumption of power by the Party, there was widespread unemployment in Germany, which could be alleviated only in the course of years, but different individuals had different needs, and most of the block and cell leaders with whom I had contact hoped by entering the Party to receive general support in their efforts to do away with the German emergency.

Q Now, witness, wars actually were fought, wars which according to the Prosecution were wars of aggression. The persecution of the Jews is well known. The trade unions were dissolved. Did not the block and cell leaders know about these incidents, and could they not have recognized that these were the aims of the Party which we set down in the Party program and in the book "Mein Kampf"?

A I consider that impossible. I personally was more critical of all of these things than many others, but the Party program, as well as the propaganda which was very strong in the press and over the radio, these things could not show to the people what aims and intentions Hitler had at the time he took over power and the aims he followed.

Q The things which are set up today as crimes under the Indictment, were they not well known and publicly known, so that each block and cell leader would of necessity have to know them?

A The block and cell leaders did not learn any more than any other simple German or member of the Party. They heard announcements over the radio and the press, Fuehrer speeches, radio reports, and they could not gather any more than anybody else could.

Q You saw a series of faults, and you rejected them. You saw the practices followed by the Party. Why did you remain in office?

A At that time I personally, as an official, could neither refuse to take over the office nor later could I lay down my office. I could not seriously consider either possibility, for, as sufficient examples have already shown, that would have meant for me the loss of my profession, would have meant the destruction of my existence, and possibly it might have meant even more dire circumstances.

H0193 - 0041

DR. SERVATIUS: Then, Mr. President, I have no further questions to put to this witness.

THE PRESIDENT: The Tribunal will adjourn.

(A recess was taken until 1400 hours.)

AFTERNOON SESSION

(The hearing reconvened at 1400 hours, 31 July 1946)

THE PRESIDENT: In accordance with the Tribunal order on procedure for the organizations entered on the 25th of July, several applications have been made to the Tribunal for an extention of time for the closing speeches by counsel for the organization. These applications are made, the Tribunal thinks, under some misapprehension as to the meaning of the order of July 25. It is not intended that the closing speeches should deal at length with the documents. When offering the documents, or during the examination of witnesses, or at the conclusion of the evidence, as counsel prefers, he may make brief references to the documents to explain their nature and the points to which they refer. All the material matters will thus be before the Tribunal. This will enable the closing speeches to be devoted to summarizing the evidence and commenting on any matters of law, and one-half day will be ample for that purpose. That is all.

DR. SERVATIUS: I have a question on the decision which was announced. My documents and the legal evidence I submitted to the Court without comment, according to the ruling as I understood it. At the end of the total evidence may I comment on this written evidence, and will the Court look through the documents ? It was not possible, because they were not at hand.

THE PRESIDENT: Certainly, Dr. Servatius.

DR. ERNST HIRT -- Resumed

CROSS EXAMINATION

BY IT COL. GRIFFITH JONES:

Q. Witness, I want to ask you one or two questions on a general matter. Am I right in saying that in towns and villages in many parts of the country there were vast cases exhibiting "Der Stuermer" set up ?

A. In many towns there were so-called "Stuermer" cases.

Q. Were they set up by the party ?

A. I know nothing whatever about that.

H0193-0042

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Q. You cannot tell me, can you, whether those "Stuermer" cases were set up on the instruction of either the Kreis or Ortsgruppenleiter ?

A. For my own person, I had the impression that the local SA was responsible for setting up the "Stuermer" cases.

Q. There were also, were there not, both in towns -- particularly holiday reports -- and all over the countrysides, notices saying that Jews were undesirable ? "Juden sind unerwuenscht" ?

A. I saw such signs in various parts of Germany.

Q. Do you know whether they were set up on the instructions and by the authority of the local political leader ?

A. I do not know.

LT COL GRIFFITH JONES: Very well.

My Lord, I have one new document which was put to this witness before a commission. Perhaps I might draw the Tribunal's attention to it now and to the relevant parts. It is document D-901A, which will become GB 546

Your Lordship will see that that is a circular issued in the Gau Cologne-Aachen on the 31st of January 1941 and it contains instructions to all Kreis and Ortsgruppen organisationsleiters regarding the installing and keeping of card indexes of households.

Under Paragraph 1, "The sense and purpose of card indexing households" it is stated that the purpose is as a basis for statistical inquiries and, combined with the entries on the back of the card index of households, for the political judgment of the members of a household.

Then a few lines farther on, the information contained on them must enable the Ortsgruppenleiter to give at any moment a judgment of the household member concerned which is sufficient in all respects.

Then, My Lord, under Paragraph 5, "The Blockleiter must be in possession of lists which contain the same printed text as the household card index, and which are to be provided with the necessary entries by the Blockleiters : family status, Party membership, membership of an organizatio affiliated body, etc. Nothing is to be mentioned in these lists about a political judgment."

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On the next page, the second paragraph in No. 10 sets out the information which is to be obtained. Halfway down that paragraph :" It is thus to be recorded since when the "Voelkischer Beobachter" was subscribed to, whether the family already possessed a swastika flag before the 1935 flag law, and what wireless apparatus is available in the household. It is easy to obtain this data from a conversation by Blockleiters with the German concerned."

The next paragraph deals with the political judgment of the inhabitants. I quote the last three lines :"The political judgment of every German is to be carried out by the Ortsgruppe n Organisationsleiter in cooperation with the competent Block and Zelleleiter, as well as in agreement with the Ortsgruppenleiter".

Then in the last paragraph, No. 14 on the next page, it describes how this information can be obtained. "It is prohibited on principle to give Germans and Party members lists or index cards to fill in themselves. Owing to their frequent visits to the individual households, the Blockleiters have sufficient opporutnity to obtain the required data for the index by means of conversations with the Germans. The Blockleiter must make sure of the accuracy of the data supplied to him by looking through membership papers and such like. The Blockleiter is responsible for the accuracy of the data supplied to the Ortsgruppen-organisationsleiters.

Your Honor, I have no further documents and no questions.

My Lord, General Raginsky has three documents which he desires to put in.

GEN. RAGINSKY: Mr. President, with your permission I would like to submit three documents which characterize the role of a Kreisleiter and a Blockleiter who committed such crimes as the Germanization of occupied territories, and of the occupied peoples.

The first document I am submitting is document USSR 143. This document was discovered in the archives of the Kreisfuehrer of the town of Pettau in Yugoslavia in May 1945. I would ask the Tribunal to make a note of the fact that the document begins with the phrase, it is indispensable immediatel to make all the Blockfuehrers up to the last acquainted with the contents

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of this document, and the document is signed by a Kreisleiter.

"During my inspection tours through the various local chapters, I ascertained that there are still Slovenian inscriptions. I repeatedly requested the Blockfuehrer to immediately see to it that all these Slovenian inscriptions, billboards, posters, etc., be removed. I therefore ordered the chief of the local chapter to see to it, through personal conversation with a competent priest, that the Slovenian inscriptions will also immediately without exception, disappear from all statues, chapels, and churches."

Point 3 of this document is as follows : "The chiefs of the local chapters are responsible as before that every officeholder down to the last block leader learns to speak and write German.

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The next document which I am presenting under No. USSR 449 is an excerpt from the speech of Reich Minister of the Interior Dr. Frick, dated the 16th of December, 1941, in connection with the appointment of a Gauleiter, Dr. Friedrich Rainer. This document was seized in the archives of the Kreisleiter of the Warthe Gau by the Yugoslavian army in May, 1945. In the speech it is said:

"Dear Party Comrade Rainer:

"The Fuehrer has appointed you to be a Gauleiter"--

I do not wish to read the whole excerpt.

THE PRESIDENT: General Raginsky, have you got the original of this document?

GENERAL RAGINSKY: I beg you to forgive me, Mr. President; I did not get your remark.

THE PRESIDENT: It is all right. We have the original of the document now. Now can you explain to us what the document is; I mean, how it is certified, how it is proved?

GENERAL RAGINSKY: This document has been authenticated by the Yugoslav Government Committee on the Investigation of Crimes of the Germans Occupying the South of Yugoslavia. The original of this document is to be found in the archives of this committee. The copy which I am submitting to this Tribunal has been authenticated by the president of the Government Commission, Dr. Giedlkovitch.

"Dear Party Comrade Rainer:

"The duty of Party Comrade Rainer is that this entire district is to be made entirely and totally German. The German language must more and more receive a priority. It is the only language of authority and the only one which can be used officially. The youth in the schools must immediately be educated in the German spirit. This must be introduced immediately and all educational institutions must be exclusively in German.

"As to the rest of the population, they must be taught the German language at an increased tempo. This must not only

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be the external picture. The professional language will be generally German, and all official matters will be in German. And only when the entire youth will be speaking German and only when the German language will have been introduced into daily life and will replace the Yugoslavian language --only then will we be able to speak about the Germanization of our district."

Finally, the last document, which I am submitting under No. USSR 191. This document is also an excerpt from the minutes of a conference of the staff of the Gauleiter of Lower Styria, and the original of this document was seized by units of the Yugoslav Army in the archives of the Gauleiter of the town of Marbov in May, 1935.

On the first page of this excerpt, Mr. President, we can see that on the 12th of November 1941, the Gauleiter was having a conference with the Security Department, and at this conference were present members of the SS and Standardenfuehrer Lurdent informed the Gauleiter that approximately 2,000 people had been transferred to Serbia and 1,200 people had been put into concentration camps. As a retaliatory measure for the last incident, about 30 people have been shot.

The last paragraph on the first page reads: -- This is an excerpt from the minutes of the conference of the 6th of January 1932, and this also states that on the 27th of December 1941, in answer to an attack, 40 people were shot, and further the representative of the Styrian Gauleitung said: "There is settlement into Germany proper. The movement is almost completed. About 10,000 people are still to be resettled."

I do not wish to quote the following pages, which contain excerpts of a similar kind.

RE-DIRECT EXAMINATION

BY DR. SERVATIUS:

Q Witness, you were not able to comment on the documents. I shall ask you a few questions briefly about them. The first

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is the letter of the document D-901. That was a circular letter of the Gau Cologne-Aachen, 1941. That was the speech in which a card index of households was mentioned. Do you know whether in your sphere such card indexes of households were kept of the same content that was mentioned here?

A I know only card indexes of all inhabitants. And inhabitants were listed according to name, family status, birth, profession, and membership in the Party or branch. Other essential questions were not asked and not answered on these cards.

Q Can this order here be considered an organizational exaggeration?

A Up to now, I have no knowledge of this order. If it had been general for all Ortsgruppen in Germany, it would have had to be announced and carried out by us, too. As such an excessive order was issued in the Gau of Cologne-Aachen, it was only the Gauleiter or the Gau organizational leader who was responsible for that, and it was certainly an exaggerated interpretation of the situation on his part.

Q The next letter is a letter of the Styrian Heimatbund of Pettau of the 30 th of April, 1942. It was addressed to all Ortsgruppenleiters and came from the Kreisfuehrer. It concerns the removal of Yugoslavian signs. Did you have any knowledge of such things abroad?

A No, it was completely unknown to me.

Q Did you know that Pettau up to 1918 was an old German city, and only after 1918 became part of Yugoslavia?

A I did not understand the name of the city.

Q Pettau. You cannot answer?

A No.

Q Then there is a speech by Dr. Frick to Reichstatthalter Rainer. It refers to conditions in the new border Gau. Were you informed about these circumstances?

A No, I had no knowledge of them.

Q The last document was file notes on press conferences

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of Gauleiter Ueberreither, which also refer to the border Gau and Yugoslavia which borders on it. What can you testify on these things?

A Nothing whatever.

DR. SERVATIUS: I have no more questions to put to this witness.

BY THE PRESIDENT:

Q Did you have anything to do with the deportation of foreign labor?

A No.

Q Who did?

A I do not know.

Q Did you not know anybody who was employing slave labor?

A I did not understand the question.

Q There was a great amount of foreign labor used in Germany, was there not?

A Certainly. There were many foreign workers in Germany who were occupied in factories.

Q And also in private houses?

A I know that foreign women were employed in private homes as maids.

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Q. What I asked you was, did you have anything to do with the placing of that foreign labor within factories, or in offices, or in workshops, or in private home ?

A. I had nothing to do with it in any sense.

Q. Do you know what officials did have to do with the placing of such labor

A. I do not know that. I was never interested in it.

THE PRESIDENT: The witness can retire.

DR. SERVATIUS: With the permission of the Court, I will call the last witness Hupfauer. He is for the technical offices, especially the German Labor Front.

THE PRESIDENT: Will you state your full name, please ?

WITNESS: Dr. Theo Hupfauer.

THE PRESIDENT: Will you repeat this oath after me.

I swear by God, the Almighty and Omniscient, that I will tell the pur turth, and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may sit down.

DIRECT EXAMINATION

BY DR. SERVATIUS

Q. Witness, when were you born ?

A. On July 17, 1906

Q. You were , for 8 years, from 1936 to 1944, a political leader in the Supreme office of the D.A.F., the German Labor Front, the Central Bureau with Dr. Ley, and after that, up to 1945 you were liaison man between the Armament Ministry of Minister Speer and the German Labor Front, is that correct ?

Witness, you must wait for the asnwer until the interpreter has translated the question.

A. Up to 1944, I was Official Chief Administrator for the German Labor Front.

Q. And as such, a political leader ?

A. As such, a political leader up to my appointment.

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From 1942 on, I was liaison man of the German Labor Front to the armament ministry and from the end of 1944, I was chief of the Central Bureau in the Armament industry.

Q. Was the German Labor Front an organization affiliated to the Party for the political leadership was through the Party itself, wasn't it ?

A. The German Labor Front was an organization with organizational, financial, and personnel independence. It was annexed to the Party. The tasks of the Political Leadership were up to the Party itself.

Q. Did the leaders of the D.A.F. who were political leaders have political tasks and were they political leaders for that reason ?

A. The leaders of the D.A.F. had purely political tasks. Those leaders of the D.A.F. were political leaders who were appointed as such.

Q. The German Labor Front was represented in the Gau, Kreis, and Ortsgruppen by so-called Obmaenner. Were these Obmaenner connected with the Party Staff Political Leaders ?

A. These Obmaenner were political leaders only insofar as they were appointed as such.

Q. Were there, in the German Labor Front, political leaders who were not active in the Party staff ?

A. In the Party Staff only the local Obmaenner were active. All functionaries of the D.A.F. who were political leaders had no office in the Party.

Q. Was the number of those who had no office but were nevertheless political leaders in the D.A.F. very great ?

A. The majority of the functi naries who were political leaders held no office in the party/

Q. Can you estimate approximately how many people there were ?

A. I cannot give a figure nor can I give a percentage, but in the office which I had charge of, it was by far the majority.

Q. What was the activity and the task of these political leaders wh were on the staff ?

A. The political leaders wh were n t on the Party Staff had the same tasks as th se who were on the Party Staff, especially th se with the socially political technical tasks.

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Q. Persons who had an office in the D.A.F. were called Amtswalter, is that correct ?

A. Yes.

Q. Were all of these Amtswalter at the same time appointed as political leaders ?

A. No, only part of the Amtswalter were appointed. For example, it could happen and it did happen that if there were two functionaries who directed equally important offices, one was a political leader and the other was not. It also happened that the superior did not have a rank of a political leader and his subordinate was a political leader.

Q. What was the purpose of the appointment as political leaders of such officials ? Did they receive special tasks and special rights ?

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A. With the appointment as political leader special tasks and special rights were not connected.

Q. What was the sense of appointing them?

A. That was essentially for representational purposes and, in effect, it was connected with the authority of the Party toward the economy and the State but was not connected with the office, as such.

Q. What was the activity of the political leaders as Obmaenner in the Party staff?

A. The Obmaenner who were political leaders in the Party staff, in their own specialized fields, had to advise the Hoheitstraeger.

Q. What was the numerical relationship of the political leaders of the D.A.F. to the total number of all political leaders. Did they constitute a considerable part?

A. The D.A.F. was an organization including about 20,000,000 people. The organization, therefore, went down to the Ortsgruppen and to the factories and therefore it had a large number of functionaries and therefore a large part of these functionaries were political leaders. This explains the fact that the majority of all the political leaders belonged to the D.A.F.

Q. The D.A.F. was a so-called affiliated formation. Are you in a position to give information on the position of the political leaders in other organizations in other groups?

A. As Amtsleiter to the D.A.F., I of course was in contact with the functionaries of other organizations. I can therefore, not in detail but basically, give information on these organizations.

Q. Was the position of the political leaders in these professional and technical organizations and in the social organizations regulated in the same way as in the D.A.F.?

A. It was essentially organized in the same way; that is, the local leaders of these formations were also anchored in the Party. They had no tasks of political leadership, but as leaders of organizations they had to represent the interests of their members.

Q. Within this specialized formation, were there political leaders who

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were not active in the Party agencies, for example, in the N.S.V.?

A. There also there were political leaders who were not on the Party staff.

Q. Can you give the most important of these specialized formations, professional organizations, and the corresponding offices in the Gau, Kreis and Ortsgruppenleitung?

A. The following formations and their corresponding offices I recall: The N.S.V. was the office for Peoples' Welfare; the League of Teachers was the office for education; the League of German Technicians was the office for technique; the League of Lawyers was the legal office.

Q. These offices which you have added in each case are established in the Party Staff?

A. These offices are established in the Partystaff and were, as a result, directed by the local leader of the organization as the attached organization.

Q. What were the tasks of these political leaders?

A. The tasks of these political leaders were also specialized tasks and not political leadership tasks. They were to represent the interests of their members.

Q. What was the numerical relationship of these politicsl leaders of the specialized groups, those who sat on the Party staff as heads of these offices, including those who were in theformation? Was that also a great number?

A. The number dependod essentially on the size of the organization.

Q. What was probably the greatest of those mentioned?

A. Of the organizations which I mentioned, a section of D.A.F. the gre test was the N.S.V.

Q. Did the German Labor Front, in the year 1933, destroy the trade unions?

A. On the 2nd of May, 1933, the German Labor Grent did not exist at all. There were functionaries of the National Socialist, Betriebszellen, organization called N.S.B.O., which did not destroy the unions at that time but took over the leadership of the unions and continued their work.

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Q. What was the purpose of this measure, to break the resistance of the workers against the Party and to remove internal opposition to the policy of a war of aggression?

A. In May, 1933, the first visible effects for the German worker were felt in the removal of the unemployment of millions. The situation was that the German workers were again sure of getting work and bread. Therefore, there can be no question of any resistance of these workers against the Party. The foundation of the D.A.F. was for the following purpose: In the first place, it was necessary to be able to carry out economic reconstruction without interference and to regulate the labor market and interference by the labor struggles which interfered with social economy, such as strikes and shutouts. Therefore, it was necessary to adjust the interests of employees and employers. This was best done in a joint organization of employers and employees.

Q. Then the organizations of the employers were also dissolved at that time?

A. The employers' organizations were also dissolved with the purpose of the creation of a joint organization to remove the class struggle and best to create the essential prerequisites for the establishment of a really socialistic order.

Q. Were not the unions taken over by force with the use of the SA, SS and Police, and were not the union leaders arrested?

A. On the 2nd of May, through Police, or auxiliary police measure in which SA and SS men and Stahlhelm men participated, for a short time union leaders were arrested. This measure was for the purpose, at this moment, of preventing misuse of the still existing union funds, so that work could be carried on in these organization.

Q. Did the National Socialist N.S.B.O. organization then claim the funds which were confiscated for itself and what did it do with it?

A. These union funds were not confiscated for purposes of the N.S.BO. This organization financed itself from the dues of its members. The funds of the unions were used in order to carry on the social work, and it was

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furthermore used in order to preserve the long-standing legal claims of the union members; that is the invalids, sick, deaths, support, and so forth, it continued to be paid to these union members.

Q. Did the unions have extensive funds at that time?

A. In '33 was the end of the economic crisis which began in 1930. This economic crisis, of course, had a negative effect on the unions. It is certain that, because of the unemployment of millions, the recruitment of union members was constantly becoming less and old members of these unions were becoming unemployed in greater numbers so that a great percentage of them could no longer pay their dues; also, a great percentage of them had to draw upon the funds of the union, which depleted the funds.

Q. Did not Dr. Ley himself admit that he used the funds of the unions illegally and had one foot in prison if the Fuehrer did not give legal sanction to the confiscation of the funds?

A. If I recall correctly, Dr. Ley made the statement at a Party rally here in Nurnberg, in a report on the achievement of the German Labor Front. He wanted to express it by saying this, that he was interested in having this confiscation of the funds, which took place in the course of a political action, sanctioned legally.

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In the same speach he speaks of the recruitment of the German Labor Front which had already been shown and proved that these funds were used in the interest of the German workers.

Q Was the purpose of the creation of the German Labor Front not to obtain an instrument to fight against the peace will of the workers?

A The German Labor Front ----

THE PRESIDENT : Isn't this all contained in the summary?

Dr. SERVATIUS: I did not see this summary; I do not know it.

THE PRESIDENT: Well, it extends over six or seven pages.

Dr. SERVATIUS: I did not see it.

THE PRESIDENT : No, but at any rate, isn't it all gone into in the evidence the witness gave before the Commission?

DR. SERVATIUS: Only partially; it is unavoidable that certain things had to be brought out here again. I have endeavored to summarize them, to give an overall picture. In a few more minutes I will be through with the union and then I will come to the subject of the care for foreign workers.

BY DR . SERVATIUS:

Q Witness, did not the workers suffer disadvantages through the DAF; did they not protest against the change?

A In one of the previou s questions I already explained that the German Labor Front worked in the interest of its members and of German workers as a whole.

Q Did the DAF receive instructions for the preparation of a war of aggression?

DR. SERVATIUS: The witness cannot hear.

THE WITNESS: I did not hear the question.

BY DR. SERVATIUS:

Q D o you know of instructions to the DAF referring to a

H0193 – 0058

a war of aggression?

A I do not know of any written or oral announcement instructing the DAF in any way in connection with the war of aggression.

Q Was the German Labor Front in war entrusted with the caring of foreign workers?

A The German Labor Front, as far as I can recall, as early as 1939 voluntarily took over the care of foreign workers.

Q Witness, we are here interested in the question of those foreign workers who came to Germany during the war and particularly those who came compulsorily.

A The German Labor Front during the war took over the care of all foreign workers.

Q What was the task of the DAF?

A The task was, in the first place, that the DAF supported the work of the factory managers who, according to law, had to care for their workers. Furthermore, through its own measures, tried to lighten the task of the factory manager.

Q Did the Labor Front fulfill this duty?

A The conditions during the war were particularly difficult, especially in those districts which were the targets of enemy bombers but I can explain that the German Labor Front did everything humanly possible to care for those workers.

Q In the year 1943 and 1944, during the severe air raids on the Ruhr, you were employed there, especially by the Labor Front, in order to carry out the difficult special-care measures; is that correct?

A About in July 1943, I received the assignment to go to the Ruhr myself so that in spite of the air raids, the production of industrial workers would be maintained for this purpose--- I was to support the competent local agencies.

Q From this period, do you know of conditions of the Krupp firm in Essen?

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A I do not know the details of the factory conditions at Krupp's but I can give information about the essential things since, I, myself, visited the Krupp concerns in part two or three times during this period.

Q What was done there in the field of social care, on the whole?

A On the whole, there were two things that had to be taken care of, food and lodging of the workers; since Krupp as well as the City of Essen were repeatedly attacked by bombers with serious damage, this concern was working under extraordinarily difficult conditions. It was often necessary through institutions beyond the concern; that is, the DAF, the Provisional Economic Office and such, to help the concerns.

Q A report of Dr. Jaeger was shown you in the Commission a document D-288, and mistreatment of workers is indicated there. Does this report correspond to the facts as you found them?

A Personally, of course, I cannot investigate to what extent this report of Dr. Jaeger corresponds to the facts. On the basis of my own experience, however, I had the impression that in many points things were presented with some exaggeration certainly by Dr. Jaeger, with the good intention of influencing the agencies which were to help him. I recall that Dr. Jaeger once said that the foreign workers received only a thousand calories. I can say one thing. Even during the war in Germany, even for normal consumers there was no ration of only a thousand calories a day.

Q Can the conditions which Dr. Jaeger describes of a few camps be extended to all the camps of the Krupp firm?

A Dr. Jaeger, as far as I recall, describes two camps and describes only individual occurrences in those camps. Conditions were difficult at Krupp's. Those cases cannot be applied to all camps. If Dr. Jaeger points out that in one barracks in particular

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it rained in for weeks, I can only say that in the City of Essen it rained for weeks and into thousands of houses and the people were happy there; people were lucky who had any shelter at all even if the rain bothered them a little.

Q In the Commission, other documents were shown to you regarding the treatment of the workers at Krupp's. Do these give an approximate picture of conditions throughout the Reich?

A I have the following to say to that. In the Reich we had tens of thousands of medium-sized and large concerns. The conditions found in Essen, even if they are true, cannot be considered in general as a norm for the treatment of foreign workers in Germany.

H0193-0061

Q. Were security measures taken so that no unsuitable elements would be cared for by the German Labor Front?

A. The German Labor Front from the Reich level as well as the Gau level and in theKreis level, had an office that was the Office Labor Commitment which dealt exclusively with these questions of foreigners. All orders direct to the agencies and to the concerns by this office repeatedly deal in some form with the necessity for correct and just treatment for reasons of humanit as well as for reasons of production. I would like to add something. To prevent men who had in any wasy misused their powers, who should not come into contact any more with the foreign workers, this Office Labor Commitment had a so-called card index of the camp, to warn camp leaders, which were issued to the Kreises and Gaus. This list contained the names of all men who had misused their powers. It also listed the punishment which they had received for doing so and it said that they were no longer to be used as camp leaders.

Q. And were orders issued, ordering correct treatment and, for example, prohibiting punishment by beating? Does this not show that such orders were necessary and mistreatments general?

A. In every organization there are social elements. I do not deny that here and there a functionary of the German Labor Front misused his powers. This fact was the occasion for such an order. On the other hand, this order is to be considered a collection of all the many decrees which had been issued up to that time. One can say the following about that: In every cultured state there are laws prohibiting murder, robbery and so forth.

THE PRESIDENT: Is it necessary to go into all these details?

DR. SERVATIUS: Mr. President, it is only because this question was repeatedly asked the witness in the Commission. That is why I wanted to present it to the Court once. I do not see what great interest the prosecution has in this question but it repeated it many times. Then I shall go on to the next question.

H0193-0062

BY DR. SERVATIUS:

"Q. What happened to the guards supervising and executing the orders about social care?

"A. Aside from the Office Labor Commitment which was responsible for the care of these workers, which I have already mentioned, Dr. Ley, within the German Labor Front, set up a so-called camp inspectorate which was under the direction of a DAF functionary and had the task outside the jurisdiction of the Labor Commitment Office to inspect the camps of foreigners and to maintain order if there was any disorder. This arrangement served the tactic purpose of preventing other organs aside from the DAF in dealing with this question.

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Q. Were you yourself able to observe anything about the inhumane treatment of workers, or were any such mistreatments reported to you? You travelled around to the different places. What was your total impression?

A. These things were not reported directly to me since I was not the competent office chief for these matters, but as deputy for the German factori I was in hundreds of factories and camps. I must say that aside from individual cases, things were in order there.

DR. SERVATIUS: Mr. President, I have no more questions to put to this witness and I have examined all my witnesses.

THE PRESIDENT: The Tribunal will adjourn.

(A recess was taken)

CROSS EXAMINATION

BY LT. COL. GRIFFITH JONES:

Q. Witness, I want to ask you one question on the expert staff Officers of the Gau, Kreis, and Ortsgruppenleiters. Do they come under their respective Hoheitstraegers on the matters of discipline? Did you hear that question?

A. Yes, I did. Each of the functionaries of the German Labor Front had to obey the orders of his immediate superior as well as discipline. I personally was out side the DAF. I was subordinate to the leader of the German Labor Front. He was the only one who could call me in the office or remove me from office.

Q. The expert, for instance the DAF representative, on the Gau Staff, received his professional technical instructions from his DAF superior, is that correct? Is it not?

A. I personally, as well as the others, received the directions and instructions from the superiors.

Q. I am sure you can answer my question yes or no. The point I am putting is this. Although you received your professional or expert instruction from your DAF superior, you were also subordinate, were you not, to the Hoheitstraeger of your staff in all matters on discipline and matters connected with the party?

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A. If anyone was a political leader, he of course was subordinate to the party discipline, and he only concerned himself with those things which belonged to his sphere of activity.

Q. One question about the political leaders of the DAF. A political leader in the DAF, was he sworn in as a political leader in the same way as any other political leader was sworn in?

A. A political leader of the DAF took his oath to the Fuehrer.

Q. Did he also receive a special certificate or identity card which was issued to all other political leaders?

A. Yes, he did, he received a certificate stating his rank.

LT. COL. GRIFFITH JONES: This witness was cross-examined before the Commission, and I would like to draw the Tribunal's attention to one new document which was not put to him, and two others which deal with the DAF particularly. The first one is a new document, D-338, which will be handed up to the Tribunal. It is a report of the conditions in the sick bay hut in one of the Krupp Camps. My purpose in putting it in is that it is addressed to the KVD and the Gauamstsleiter Doctor Heinz.

Q. Witness, is the KVD the Association of Doctors and Physicians?

A. That is an Association of Physicians - a panel - but the organization for the physicians was the Nerbund League of Physicians.

Q. It is an Association of doctors. Is theGauamstsleiter, Doctor Heinz, would you presume from that document, that he was an expert nonpolitical political leiter on the Gau staff concerned with medical matters?

A. The position that he held is not noted here, but I assume it was the same person, yes.

LT. COL. GRIFFITH JONES: My Lord, the Tribunal will find ---

THE PRESIDENT: What is the number?

LT. COL. GRIFFITH JONES: I beg your pardon - GB-547. The next document will be found on page 19 of the Tribunal document book. It is a document which has been put in and I am not certain whether or not it was read to the Tribunal, and I would particularly refer to the penultimate paragraph on the first page which is of considerable importance in connection with the DAF.

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It is a report by one of the Krupp officers. It is an original German document and it refers to a discussion which that gentleman had with three members of the DAF in connection with the food which he was trying to get for the starving Russian Prisoners of War and Russian laborers.

H0193-0066

The Tribunal, I know, will stop me if it is familiar with the Document, but perhaps I may be allowed to read the one paragraph describing that point

THE PRESIDENT: The Document has been read.

LT COL GRIFFITH JONES: I would like to draw the attention of the Tribunal to the decree for Ensuring the Discipline and Output of Foreign Workers, which had been passed by the DAF, it will be found on pages nine and ten - Document D-226 -US 697, perhaps I might ask the witness one question on this.

BY LT COL GRIFFITH JONES:

Q. Witness, will you look at that document and the covering letter, which is dated November 10, 1944. Is that letter signed by yourself ?

A. Yes.

Q. On page 10, it will be seen that it is a covering letter, enclosing a decree on the employment of foreign labor, in which it says :"It is of particular importance that not only the present good out put should be secured, but also that further working reserves should be freed, which, without doubt, can still be obtained from these millions of foreign workers.

It then goes on to say in paragraph 2 :"All men and women of the NSDAP, its subsidiaries and affiliated bodies in the works, will, in accordance with instructions from the Kreisleiters be warned by their Ortsgruppen leaders, and be put under obligation."

My Lord, the Document further states that the close cooperation of the Party, the State and Industry, with departments of the Secret Police is absolutely necessary for this purpose.

I now read the last three lines of Paragraph 2-b :"Party members, both men and women, and members of Party organization and affiliated bodies must be expected more than ever before, to conduct themselves in an exemplary manner."

At the bottom of the page will be seen :"The Gau Trustee of the DAF will issue detailed instructions in cooperation with the Gau Propaganda leader and the lader of the Gau Department for Social Questions."

In the last paragraph it will be seen that there is further evidence of cooperation between the political leaders, the Kreisleiters and the Gestapo.

I have no further questions.

H0193-0067

THE PRESIDENT: If there are no further questions, the witness may retire.

Dr. Servatius, you may make such comments as you wish on your documents.

DR. SERVATIUS: Mr. President, I do not have the documents at hand and they have not been translated; therefore, they cannot be presented to the Tribunal. I would suggest that first of all the witnesses be examined and then the documents will be ready and I will submit them at that time.

THE PRESIDENT: We have the books ourselves.

DR. SERVATIUS: It is not only the Document books that we are concerned with, but the affidavits are not at hand. I do not have them myself and they have not been translated. That is the way I interpreted the decision and I shall take care of the matter in the morning.

THE PRESIDENT: Would it be convenient to submit some of these documents in these two document books now and leave the affidavits until later on ?

DR. SERVATIUS: I do not have the affidavits with me and I have not prepared myself on this matter. It would not be an orderly presentation and I should prefer to submit them some other time.

THE PRESIDENT: Then, the Tribunal will go on to the evidence for the next organization.

DR. SERVATIUS: Mr. President, when shall I sumbit this matter ? After the evidence for the next organization, or after all witnesses have been heard ?

THE PRESIDENT: After the next one, I should tink.

DR. SERVATIUS: Very well.

THE PRESIDENT: What is the next organization we will deal with ?

DR. MERKEL: On behalf of the Secret State Police - the Gestapo.

Mr. President, may it please the Tribunal, first of all I should like to submit my two document books, one containing numbers one to thirty and the other containing thirty one to sixty two.

Mr. President, shall I confine my point of viewto the individual documents now or after the witness is heard ?

H0193 - 0068

THE PRESIDENT: When it is convenient to you.

DR. MERKEL: I should prefer to do it after the witness has been heard.

THE PRESIDENT: Very well.

DR. MERKEL: First of all, I would like to submit a list of the thirteen witnesses, who have been heard before the Commission. Furthermore, I should like to submit a German copy of the thirteen transcripts. I should like to submit this material as evidence and the arguments, which I will present myself, in connection with the examination of the witness.

Finally I should like to submit a list of the names and a summary of the affidavits, given in the Commission, numbered one to eighty five, which I should like to offer in evidence.

The three transcripts of the Commission sessions, which were discussed I shall submit as soon as I have them.

Then, finally, I have perhaps fifteen hundred affidavits, which I would like to submit in one summarizing affidavit, but that summary has not yet been completed. For this reason, I should like to ask that I be permitted to submit this after the witness has been heard.

With the permission of the Tribunal, I should like to call the witness, Dr. Best.

THE PRESIDENT: Bring on the witness.

DR. KARL RUDOLF WERNER BEST, a witness, took the stand and testified as follows :

BY THE PRESIDENT:

Q. Will you state your full name ?

A. Dr. Karl Rudolf Werner Best.

Q. Will you repeat this oath after me ?

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold nothing.

(The witness repeated the oath.)

H0193 - 0069

DIRECT EXAMINATION

BY DR. MERKEL:

Q Mr. Witness, please tell us briefly your professional autobiography.

A I am a jurist and a professional civil servant. Beginning with 1929 I was a judge, and since 1933 I have been an administrative official, and since 1942 I have been a diplomat.

Q When and how did you join the Gestapo?

A From 1 January onward, as a Oberregierungsrat and Amtsleiter for administration and law, I was active in the Gestapo in Berlin. Beginning with 1936 in the Reich Ministry for the Interior and in the Special Department of the Security Police, up until 1940. Beginning with 1940 and until 1942 I was the administrative official, and since 1942 I have been Reich Plenipotentiary in Denmark.

Q Was the Gestapo a union of people?

A No.

Q What was the Gestapo?

A The Gestapo was a number or multiplicity of state offices.

Q However, the Prosecution seems to consider the Gestapo as a union of people joined together voluntarily in order to realize certain aims.

Witness, please pause between question and answer.

A An organization has members. The official of the Secret State Police were officials hired by the state, and they occupied a public position. An organization sets its own aims, but the offices of the Secret State Police received their tasks from the state and from the state leadership, which put to them.

Q Did the Gestapo belong to the NSDAP or to any other National Socialist organization?

A No, the offices of the Secret State Police were purely and simply state ofices.

Q Witness, please speak a little more slowly. Otherwise, the interpreters can not keep up.

A Very well.

Q In the year 1933, did a general state police arise in the entire

H0193 - 0070

German territory?

A No. In the various states political police systems arose which the state government concerned set up.

Q Were these offices completely new? Were they a novel idea?

A No, they arose out of the political police systems that already existed through re-organization.

Q In what way did this take place?

A Through the directives or decrees of the state governments concerned.

Q For what reasons were these new offices and agencies created by the state governments?

A Of my own personal experience I can state that in the state of Hesse a state police system was created. The authority of the police had been shaken by the incidents that took place before 1933, and a new form of politic police was to be strengthened, and especially as it applied to members of the National Socialist movement. I assume that this reason existed and played a part in other German states as well.

Q Did these new agencies receive new tasks?

A No. No, they received the same tasks which the political police had had in the past.

Q What tasks were they? Can you enumerate them?

A On one hand, prosecution of acts that violated the criminal law where there was a political motive, and on the other hand, the police prevention of such acts and deeds.

Q What do you mean by "preventive measures" by the police?

A Preventive measures by the police are such as applied to individual perpetrators or to groups of perpetrators with the view that these groups or individuals concerned would not undertake criminal actions.

Q When and how did Himmler become political police chief of the German state -- Polizeikommandeur?

A Between March of 1933 and March of 1934 Himmler gradually brought about an agreement with the governments of the various German states on his position as Polizeikommandeur of each individual state in Germany.

Q Did Himmler come from the police or from the police system as such?

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A No, he had never had anything to do with the police, and as far as political training of thoughts and methods of work was concerned, he never quite worked his way into that.

Q Were the agencies and the officials of the various police systems responsible for Hitler's coming to power?

A No, the appointment of Hitler was made known to them as a fait accompli.

Q When and how were the political police systems of the various German states unified into a uniform German Secret State Police?

A After the appointment of Himmler as Chief of the German police in the Reich Ministry of the Interior. That was in the year 1936. By several directives and decrees issued by the Reich Ministry of the Interior, the political police systems of the various German states were unified in a uniform Secret State Police.

Q Where in the German Reich did the NSDAP establish a political German police, or was this ever done?

A No, nowhere was this ever done.

Q Was there anywhere an organization of the Party that was taken over by the state as a political police system?

A No, nowhere.

Q Were the political police systems of the German states taken over by Party members in the year 1933?

A No, those officials who had been in office prior to that time remained, and only a few officials were taken on now at that time.

Q Were the leading officials members of the Party? Were they Party people?

A That varied in the various states. In part there were officials who had belonged to entirely different parties.

Q Can you give us an example along this line?

A There are several well known examples. It is well known that Mr. Diehls, the leader of the Prussian Secret State Police, had had different political beliefs in the past.

The closest collaborators of Himmler and Heydrich from Munich, who

H0193 - 0072

together with him were taken to Berlin -- such as Mueller, the later head of Amt IV; Huber, Fresch, Beck -- all of those men in the past had been follower of the Bavarian Peoples' Party, and the leader of my small Hessen police office was a former Democrat and Freemason. He was a man whom I considered suitable and proper for this post.

Q Why did these officials remain in their police positions under National Socialist rule?

A For a German official it was a matter of course to keep on serving the state, even though the government was changed -- to serve the state as long as he is in a position to do so.

Q Were these officials removed and replaced with National Socialists later on?

A No, these gentlemen had much success and achieved good positions.

Q What was the further political construction of the political police in the years that followed?

A A Officials from various police agencies were called to the offices of the Political Police, and they were transferred to these offices. In the meantime new candidates came in and were trained to be officials according to these rules that applied.

Q Were people taken over from the Party, from the SS, and the SA?

A Only in relatively small measure, for service in these police agencies paid very little in wages and therefore it was not desirable.

Q Did the officials volunteer to enter the Political Police?

A The officials were transferred from agency to agency and from office to office.

Q Did the officials have to comply with these transfers?

A Yes, according to civil service laws, they were obligated to do so.

Q What would have been the consequence if they had refused?

A A disciplinary measure, with the result that they would have been dismissed from office, and they would have lost their seniority rights and their rights to a pension.

Q Do you know of any such refusal?

A No, I do not know of any.

H0193-0073

Q Was the Political Police completely separate from the general administrative set-up of the state?

A No, on all levels there were Kreisfuehrers, the leaders of the state police agencies, with the political experts of the government; inspectors of the security police were personally responsible to the presidents of the states and had to comply with their directives.

Q Aside from the agencies of the Gestapo, did other agencies have a political activity in the political police system?

A Yes, the Kreis and Orts police systems had police activity and exercised it.

Q In what way?

A The Kreis and Orts police systems, the Landraete, the special gendarmerie, and the administrative systems, either on the basis of announcements that came in to them were activated that way, or they carried out the orders of the competent state police.

H0193-0074

Q What part in the entire political police system did the Kreis and Orts police agencies have?

A As far as quantitative is concerned, the Kreis and Ort police systems did the major part, of the state police cases and dealt with them. The state police offices sent out their men in special cases such as cases of treason and high treason.

Q Did the Kreis and Orts police agencies receive the general decrees that went out from the secret police?

A Yes, they received these decrees and directives if it wasn't prohibited in special cases on specialrequest.

Q According to what view did the agencies of the political police prosecute certain crimes?

A Almost without exception on the basis of reports which came in from private persons or other agencies outside of the police, reports which were addressed to them.

Q And in what lines did this apply?

A These reports applied to all spheres which might have interested the political police. The police, therefore, were not in a position to investigat these cases and to check whether they actually existed, and a message service was organized where groups were suspected of activities such as the illegal Communist party or in cases of espionage. In cases like that, through agents of bhrough similar means they tried to find these groups and to clarify the matters.

Q If you did not have your own message service, how did arrests and other measures against people come about for political statements which they had made?

A It is not the case, as it often has been, and stillis asserted, that the Gestapo was a net of spies and information agencies which kept track of the entire people. With a few officials who were always busy, anything like that could not be carried on. Such single reports dealing with unsuitable political statements came to the police. Reports like that were not looked for, were not sought after, for with 90% of the cases you couldn't do anything to start with, anyway.

H0193 - 0075

Q Please speak a little slower. Was there a special class of Gestapo officials which differentiated itself completely from the other classes of Gestapo officials?

A No. The officials of the secret police belonged to the same categories as the corresponding officials of other police systems.

Q What categories of officials were there in the Gestapo?

A First of all, we are to differentiate quite distinctly between administrative officials and executive officials.

Q How did these branches differ?

A They may be differentiated through their tasks, through their legal status, and through their training.

Q To what extent did the legal status differ?

A The administrative officials were subordinate to the Reich civil service laws. But for executive officials there was a special branch in the police law books.

Q How did they differ in training?

A The administative officials were trained according to their careedr as higher or lower or medium administrative officials, according to the procedure set up in the internal administrative agencies -- that is, the police praesidium, and so forth. The executive officials, however, were trained in the so-called "Fuehrerschule", of the security police and in the agencies of the setret state police and the criminal police.

Q Which tasks did the administrative officials in the Gestapo have?

A The same tasks as may be found in all other administrative agencies - all other police agencies. That is, dealing with personnel records, with internal matters, and economic tasks, and on the other hand, the dealing with substantive laws such as passport laws or the laws dealing with foreigners.

Q Did the administrative officials look after and control the other officials?

A No. If there wasn't an administrative official to keep track of and look after them, and if he wasn't designated to do that, as far as carrying out of sentences, they had no connection with that.

Q Through other ways they could receive knowledge about the executive tasks?

H0193 - 0076

A No. That was almost impossible, for each official was obligated to keep the matters that he concerned himself with secret, which was a customar, maxim of the police, that one did not discuss the individual cases that were before one.

Q Did the administrative officials join the Gestapo voluntarily?

A No. Administrative officials were transferred from the other internal administrative or from other police agencies.

Q Did all executive officials from the Gestapo carry out the same activities?

A No. Each carried out his tasks to which he had been assigned.

Q What departments were there?

A Outside of the political police, in the smaller sense, there was the border police, later the defensive part of the military Abwehr, and the border members were incorporated into the Gestapo so that they became part of it later on.

Q The special tasks of the various departments, were they put to the Gestapo after 1933 for the first time?

A No. Even before 1933 they existed. They were carried out by the same officials who were later on taken over into the Gestapo, and the officials who had beenactive in the so-called Central police agencies.

Q You mentioned the Abwehr police as a part of the Gestapo. What were the tasks of the Abwehr police?

A The criminal investigation of treason cases, and all of these cases, without exception, were given over to the courts for sentencing.

Q And you mentioned the border police, also. What were its tasks?

A The border police were active at the border, checking passports. They checked the so-called small border traffic. They gave legal assistance to neighboring foreign police, supervised the deporting of people, the combatti of narcotics, international narcotic traffic, and prosecuted criminals at the border.

Q What were the tasks of the so-called military counter-intelligence, which was a part of the Gestapo?

H0193 – 0077

A As I have already said, the defensive part of the military counter-intelligence which was assigned to the Gestapo during the war had the task of checking and clarifying the intelligence systems which were applied against Germany and making them harmless through their work.

Q A further part of the Gestapo was the so-called "Zollgrenzschutz" (Border and Custom Protection). What were its tasks?

A The Customs and Border Police, before and after it was assigned and incorporated into the Gestapo, had the task of watching the so-called "green border", that is, beyond the border, and those border towns and passes where no border police was stationed. In cases like that it carried out the tasks of the border police.

Q. Beyond the executive and the administrative officials, were there other categories of Gestapo members ?

A. Yes; there were technical officials, and beyond that there was a large number of people who worked for wages who w rked in the office.

Q. What percentage of the entire personnel was made up of those who received their wages and other people who were hired ?

A. Depending on the particular year, this percentage varied from 35 to 40 percent.

Q. Did the employees and hirelings know what tasks were carried out by the executive members ?

A. As far as the people, for instance typists or other people like that were needed, they only learned of the single action affecting them without being notified about the incidents connected with it.

Q. Did the Gestapo pay especially large salaries to its employees ?

A. No; the salaries were given out according to the various civil servic laws, and they were so small that it washard to replace officials.

Q. And where did you get your replacements for the Gestapo ?

A. According to the law, 90 % of the candidates for executive and administrative services had to be taken over for candidates from the Protective Police candidates who wanted to make police work their life work. Only perhaps 10 percent of the new officials, according to the law, could be taken over from other a encies.

Q. Did the candidates from the Schutzpolizei choose to work for the Gestapo of their own will or no ?

A. The members of the Schutzpolizei had to put down their name on a list, at Potsdam, and w thout their being asked, they were assigned either to the Secret State Police or to the criminal police.

Q. How were the candidates for the executive positions trained ?

A. These candidates were trained in a Fuehrer school, which was a school for experts of the Security Police. The training courses, to a large extent were the same for the criminal police as well as the Gestapo, and they were trained in the various offices and agencies.

H0193 – 0078

H0193-0079

Q. Were the officials who were in office indoctrinated politically, and were they influenced politically ?

A. No. It might have a plan of Hitler's at about the year 1935 that the Rasse und Siedlungs Hauptamt, (The Main Office For Race and Settlement of the SS) take over a general training program. As long as I was in office, that is, up until 1940 this did not take place.

Q. Weren't the officials of the Gestapo to carry through their tasks according to political views ?

A. No; it would have been most undesirable if a law official used political judgment and had made his own political decisions. The official was to act only according to the general official directives and the orders of the superiors without interfering in politics himself in anyway.

Q. And what is the coordination of the Gestapo officers and the officials to the SS ?

A. That meant --

THE PRESIDENT: Dr. Merkel, Are you summarizing the evidence that has been given before the Commission ? I ask that because, you see, we do not want to have it all over again. We have a written summary ourselves. We have the evidence taken before the Commission, and all we want you to do is to bring out the really important points and to call the witness before us that we may see them and form our opinion of the credit and hear them cross-examined in so far as it is necessary. We do not want to go through all the evidence over again that has been given before the Commissi

DR. MERKEL: Yes, indeedn, Mr. President; and for that very reason, from the beginning, I asked for only two witnesses. The examination of this witness was to be directed by me in such a way that an essential summary would be given by the witness at this point summarizing those things that he has already deposed.

MR. DODD: Mr. President, I think we have gone in to much more detail than we went into before the Commission, into matters that have been inquired about here before the Tribunal. I think counsel may be under some kind of misunderstanding, because before he started his examination, I asked him about howlong he thought he would be.

H0193 - 0080

I thought he was being whimsical when he told me betwee four and a half and five hours, since he took only two hours or so before the Commission. I fear that if he has in mind a four and a half or five hour examination when he took only two or two and a half hours before the Commission, then he must be under a misunderstanding as to what is in the minds of the Tribunal.

THE PRESIDENT: I hope, Dr. Merkel, we have made it quite clear what we want. You have only got two witnesses. We shall no doubt read the evidence before the Commission of those two witnesses. We want to see the witnesses in order to see what credit is to be attached thereto, and we want to give you the opportunity of bringing out nay particularly important points. We do not want to go through the whole thing over again.

DR. MERKEL.: Yes, indeed, Mr. President.

BY DR. MERKEL:

Q. What is meant by the coordination of the Gestapo officers and official to the SS ?

A. That meant that the official, because he was an official of the Gestapo, was taken over into the SS and received SS rank commensurate with his position.

Q. Was only the Gestapo to be assimilated ?

A. No, the officials of the criminal police were to be assimilated as well.

Q. When and how did the Reichsicherheitshauptamt, the Reich Main Security Office, originate ?

H0193-0081

A The RSHA was created in September, in September of 1939, and the then chief of the Security Police, Heydrich, in exploring the war situation, tried to merge his various departments into one. Up to that time, the Reich Ministry of the Interior had opposed, and the SS had also opposed, this unifying move.

Q Did the concentration camps fall under the jurisdiction of the Gestapo?

A No.

Q Weren't there any legal directions in this regard?

A In a Prussian directive, in the directive dealing with the execution of the police decree of 1936, there was a sentence that the Secret State Police system was to administer the concentration camps. Himmler, however, never carried out this directive, for he wanted the status quo to be maintained, that the director of the camps was directly subordinate to him.

Q Did the officials of the Gestapo have to assume that in the concentration camps the health and life of the inmates was being endangered?

A I can only speak for the time up to the war, and I remember that during that time, the attitude of the officials of the Secret State Police was not such that the life and health of the inmates was being endangered in the concentration camps. The officials had contact with the inmates' families, who were looked after by the Secret State Police, and they had to see that the people who liberated and might work for them kept contact with them, and from their activities they could gather a picture of life in a concentration camp.

Q Did the officials of the Gestapo have to assume that a criminal aim or purpose was the final one?

A No; but the work of the Gestapo had no final aim which was to be achieved. Rather it was to carry out and fulfill the orders or regulations and the tasks which were put to them from day to day.

Q Did the Gestapo carry through actions which were not demanded through the general police, measures which were expected of them?

A As far as the actions of the Gestapo are concerned, they had to carry out actions which were not provided for in a general regulation. It was

H0193-0082

merely an instrument for the carrying out of the matters which were foreign to the police. I might say it was misused and abused along these lines. In the first case of this type, I should like to remind the Tribunal of the arrest of perhaps 20,000 in November of 1938. This is a measure which was not necessary from the police point of view, and would never have been carried through by the Secret State Police of its own initiative if it had not received this order for political reasons from the government.

Q Did the leadership of the Gestapo participate in the decision to arrest 20,000 Jews?

A No. From my own experience I know that Heydrich, who was then the chief of the State Police, was completely surprised by these measures filed with him, when but a few meters from the hotel where we were staying a Synagogue went up in flames. We did not know a thing about it. Thereupon, Heydrich rushed to Himmler, and received orders there, which he transmitted to the agency of the State Police.

Q And how did the so-called intensified interrogations take place?

A Concerning the Verschaerfte Vernehmungen (intensified interrogation methods), Heydrich gave out a decree in the year 1937, which I saw for the first time after it had been issued, for I was not called in on such matters, as an administrative official. Thereupon I questioned him about this, calling him to account.

Q What reason did Heydrich give for this decree?

A At that time, Heydrich gave me the reason that he had received permission from higher authority to issue this decree, that this measure was necessary to prevent conspiracy activity on the part of inimical factions against the state. But on the other hand, confessions were not to be arrived through methods comparable to the "third degree", and he called attention to the fact that foreign police agencies used such measures. He emphasized, however, that he had reserved for himself the right of approval on every individual case in the German Reich. He considered any abuse quite out of the question.

Q From 1933 until 1939, did the Gestapo participate in a conspiracy to plan, prepare, and unleash wars of aggression?

H0193 - 0083

A No. I believe I may be able to say that, for I, as head of a department in the central office, did not know anything about it. Then the more petty officials could not have known it, either.

Q Was the Gestapo prepared for war commitments?

A No. On the one hand, in a material way, it was not armed. It especially lacked arms, vehicles and signal material. There was, on the other hand, a possibility of calling in police reserves. The entire matter was in the guinea pig state of construction. Buildings were put up so that you could not in any way say that the Secret State Police or the Security Police was ready for a burden of that nature.

H0193-0084

Q For what purpose were the Einsatz Commandos set up?

A The Einsatz Commandos were set up on the basis of an agreement with the High Command of the Wehrmacht so that in occupied foreign countries, fighting units would agree to protect them and also, so that in the occupied countries the most elementary measures could be taken.

Q And to whom were they subordinate to?

A During the military operation the Einsatz Commandos were subordinate to the military commanders in chief with whose units they marched after the operation was concluded. Their subordination varied according to the administrative system which was in operation in the area. That meant, if a military chief or a Reich Commissar were set up, the higher SS leader was subordinate to this superior head, and the Einsatz Commandos were subordinate to the Higher SS leaders.

Q And how were they comprised, these Einsatz Commandos?

A The Einsatz Commandos were made up of members of the Security Service of the Criminal Police. During the war, however, personnel had to be supplemented by members of the regular order Police, others who belonged to the Waffen SS, and employees of the various areas themselves, so that finally the officials of the secret order police were only 10% of the entire membership.

Q Were the Einsatz Commandos constituent parts of the police commissions?

A No, they belonged merely to the State Police Agency, but they were security police units of a special kind.

Q From your own experience, do you know the activities of the Einsatz Commandos?

A Yes, especially in Denmark. I had occasion to watch and observe the activities of one of these Einsatz Commandos and I am also informed about conditions in Norway as well.

Q What do you know of the activities of these Einsatz Commandos in Denmark and Norway, for instance?

A I should like to emphasize especially that the forces

H0193-0085

which were committed there, very very frequently objected to the directives that they received from central agencies, measures which would have led to severe treatment of the population. For instance, they were against the use of the Nacht Und Nebel decree; against the use of the Kugel decree; and against the use of the Commando decree. They rejected and they fought other measures and rejected them. For instance, the Security Police were against the deportation of Danish Jews. We fought it in Norway. The Commander of the Security Police and the Reichs Commissar Terboven told me that the severe measures which the Reichs Commissar Terboven suggested again and again were fought against, and sometimes they were taken up with the central office in Berlin who prevented these measures. This finally caused a break between Terboven and the Police.

Q Did you yourself on occasion suggest the deportation of Jews from Denmark?

A No. In frequent reports the course of the year 1943, I was very much against these measures and I sharply rejected this measure. On 29 August [illegible], when the State of military emergency was set up in Denmark, the deportation of Jews was ordered by Hitler and there, once more, I objected. But, when the Foreign Office confirmed that the order had finally gone out, then I demanded that a state of military emergency be maintained as long as the action was going on for I expected unrest and this demand of mine that the action take place through the state of military emergency was misinterpreted to the effect that I wanted it. I actually sabotaged it by informing the Danish politicians of the date that this was to take place so that they could do the necessary, and it was brought about that 6,000 Jews could flee and only 450 were arrested. In this manner the Security Police helped me. The Commander of the Security Police could have reported me because he knew about it, and this action would have cost me my head.

Q Did the Security Police in the occupied countries

H0193-0086

participate in the deportation of workers to the Reich Area?

A Not a single worker left Denmark, or rather, was deported from Denmark to the Reich as far as I know. The Security Police in other areas as well did not help in any way.

Q Who, in France, was responsible for the shooting of hostages? Was that the Police, or who was it?

A From my own experience I know that the orders for the shooting of hostages in France, as a regulation, came from the Fuehrer's Headquarters. The military commanders in chief who had to carry out this decree, until 1942, were against this measure, and General Otto von Stuelpnagel, because of his conflict with the Fuehrer's Headquarters, had a nervous breakdown and had to leave the service. The new Higher SS and Police Leader, Obert, when he took over the office, assured me that he also was against these measures.

Q From your own experience and observations, can you tell me who decreed the harsh treatment in the occupied territories?

A According to my experience, it was Hitler himself who, in each case, gave decrees like that.

Q And what was the characteristic point in Hitler's decrees?

A I found this to be especially characteristic in Hitler's decrees that in the most astonishing way he dealt with details which the head of a State and Commander-in-Chief of the Armed forces would not be aware of in a normal manner, and that those decrees always, so far as they applied to occupied territories, were governed by a deterring effect and contained intimidations to accomplish something without taking into consideration that the other side had to be considered.

Q And how did he react to objections?

A Mostly by outbursts of rage and by the sudden stiffening of his attitude.

Q Does your book, " The German Police", have an official

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character?

A No, it is a purely personal book.

Q Does your book reproduce in any of its pages and part, also facts?

A No. In parts the tendencies which were prevalent at the time it was set up were pictured as being quite complete, for I checked the tendencies to the briefest points and at the time of the publication of the book these would have met with difficulties.

Q Doesn't the following facts lead you to believe that a certain arbitrary tendency led into the security police measures that the chief of the German police could take measures beyond the ordinary decrees described to him?

A If this book contained such decrees, dealing with the occupation of Austria and the Sudetenland, it meant that the Chief of the German Police by law would have the authority to issue police decrees in these regions....measures which might deviate from the laws existing there by the transferring of authority by single acts were not to be taken either illegally or arbitrarily.

Q What was the existing police law?

A If, in my book, I mentioned police law, I stated it with the premise of the National Socialist conception of right and with the conception of legality in Germany. After the year 1933 the power to give laws, to make laws, was transferred to the Government gradually. A State law arose to the effect that the will of the head of the State would establish law. This principle was recognized in law for those were worked according to which a large state lived for years. You cannot characterize that by anything definite in customary law, and on this basis, the police law developed in the State in the same way. A law of decrees, laws of the President, and in February, 1933, the barriers which the Weimar constitution had put up were done away with and the police had quite a bit of a scope. This was

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regulated through numerous Fuehrer decrees, orders, directives, and so forth which, since they were decreed by the Fuehrer's authority, by the head of the State himself, were considered existing police laws and had to be considered as such.

Q If members of the Gestapo were interested in deportation, how would you look at that?

A I have already said that these were measures quite strange to the police, and quite foreign to the police, and which did not originate from the acts of the police and which were not necessary from the police point of view. But, if the police received such orders from the head of the State or in the name of the head of the State, then of course, they were considered as valid police laws and such individuals had to take it upon themselves that it was an obligation to carry out a decree.

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Q. Did you wish to justify those measures when you --

THE PRESIDENT: It is five o'clock now, Can you tell the Tribunal how long you think you are going to be with this witness?

DR. MERKEL: I have just two more questions. Perhaps just a few more minutes, Mr. President.

THE PRESIDENT: Very well.

BY DR. MERKEL:

Q. Did you wish to justify this opinion and this attitude when you said in your book that it was not a question of law but a question of fate, when the government was setting up the law?

A. No. In that passage in my book I meant to give a political warning to the State leadership, which was particularly to this effect: That his tremendous amount of power to set law arbitrarily -- for at that time we could not look forward to an International Military Tribunal -- that any such tremendous power would have to tempt fate, and that anyone transgressing would be punished by fate; and I am sorry to say that I was quite right in my warning.

Q. But if the members of the Gestapo recognized the decree which they received to be criminal, what would you think about their actions then?

A. In that case I have to state that they acted in an express state of emergency, for during the war the entire police system was under themilitary penal code and any official who refused to carry out a decree or order would have been sentenced to death in a court martial.

DR. MERKEL: I have no further questions.

THE PRESIDENT: The Tribunal will adjourn.

(The Tribunal adjourned until 1 August 1946, at 1000 hours.)